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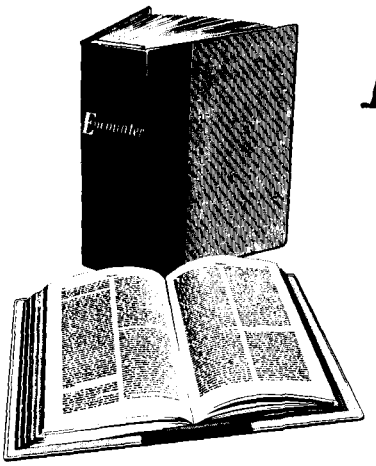

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Penelope Lively

What The Eye Doesn't See

THE MISSES KNIGHT, Joyce and Nora, on the threshold of old age, lived in a large Georgian house in Pershore, Worcestershire. Pershore is one of those medium-sized market towns that give an impression of slight detachment from the present, despite such normalities as supermarkets, petrol stations and billboards. Something to do with the symmetry of 18th-century brick façades, perhaps, and side streets secluded from the thunder of through traffic. The Knights' house, number seven St Joseph's Place, was in just such a side street, or cul-de-sac, rather, and here the detachment achieved was quite remarkable.

There was little to tether the house to year or even decade: no recent electrical appliance or quickly identifiable piece of décor, no contemporary books, no magazines or periodicals. The Misses Knight had achieved a selective repudiation of the society in which they lived; they took what they wanted, such as Bendicks chocolates, Bath Oliver biscuits, main drainage, antibiotics and insecticides, the protection of the law and a constant supply of heat, light and water, and rejected the rest. What the eye doesn't see, the heart doesn't grieve over, they said; Nora and Joyce had trained the eye to see only what it wished to see, and the heart to restrict its concern. We know very little, they would say, about what is going on; we lead our own lives.

They took *The Times*, of course, for the Hatches, Matches and Despatches, as Nora called them. She would run her eye carefully down the columns every day at breakfast, in search of a relevant name. "Someone called Lucy Symington got married. Do you think that could be anything to do with Molly Symington?" They pondered. "A daughter couldn't be as young as that", said Nora, "Granddaughter if anything." Molly Symington had been at school with them. The address gave no clue; in any case they had not communicated for forty years. "A John Chalmers died. Eighty-nine. Weren't those people on holiday at Salcombe called Chalmers? The father, perhaps." Nobody had been born who could be linked in any way to their own lives. Joyce folded the paper up carefully, for consignment to the fire-lighting pile in the pantry.

The house was called Cader Idris, in fond tribute to that part of Wales in which the sisters had spent the war years, in retreat from such dangers and aggravations as seemed bound to interfere with normal life in Hove, where they were living in 1939. It was a wise decision; in Dolgelly it had been possible—except for nuisances like rationing, black-out and lack of petrol—more or less to ignore what was going on elsewhere. They had had a good war; Nora taught herself *petit point* and Joyce grew irises with notable success. A photograph of the iris border in May 1943, a blaze of *I. xiphium* and *I. laevigata*, had been printed in *Country Life*—a heady moment. It hung now, framed, over the bureau in the drawing-room. They had done a little war-work with the local WVS, because one really should show willing. And had acquired a taste for King Charles spaniels, the latest in a long line of which lay now in a patch of sunlight on the Turkish rug, flopping his tail around in expectation.

"Let Ben have a bikky", said Nora, "And then put him outside."

French windows opened from the breakfast-room on to the terrace and large walled garden. The garden was remarkable. Although right in the centre of Pershore it was half an acre or so in size; an aerial view would have shown it, like the grounds of Buckingham Palace, as a startling green oasis amid roofs

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and roads, an unsuspected haven. The walls were so high and thick that although on one side traffic passed within a few yards of the herbaceous border, the lilac walk and the rose garden, one was barely conscious of its presence; the occasional rattle or bump, blast of a horn, jangle of an ambulance, served only to emphasise the island seclusion of number seven. And yet only a few minutes away were the conveniences of the High Street: Boots, W. H. Smith, Sainsbury's. Not, of course, that Joyce and Nora did the household shopping themselves—that was done by the housekeeper. They employed a housekeeper and lady gardener, both resident in the west portion of the house beyond the kitchens, which was converted into a self-contained unit. Mr Knight had been a textile manufacturer; the firm had boomed in the 'fifties with the development of artificial fibres. His daughters' capital, cushioned and bolstered almost literally by Dralon, Courtelle, Terylene, polyester and so forth, had kept up nicely with inflation. They were still quite comfortable, thank goodness. Which makes all the difference, as Joyce said, between being able to lead one's own life as one wants and having to get involved with things one wouldn't care for.

The housekeeper and lady gardener were a couple called Beryl and Sylvia. They had turned out to be an excellent arrangement, being close friends, so that, as Joyce was fond of telling people, there was none of that friction so common between two women working together. It was a harmonious household.

Joyce and Nora made certain sorties to the High Street themselves: to the library, Debenhams, and The Cake Shop. They both had a sweet tooth. Tea was the pinnacle of the day. The lingering decisions between cream-topped cherry tarts, macaroons, chocolate fancies, eclairs, meringues and slices of coffee gateau enriched each afternoon. They took it in turns to go out for the cakes. Otherwise, they remained for much of the time in St Joseph's Place. Occasionally they attended local functions, but did not take an active part in the life of the town. The complaints of their acquaintances and contemporaries about change and desecration left them unmoved; they did not themselves much notice such things. When they found their route to the park made disagreeable by the building of a housing estate, they simply took Ben round a different way, avoiding the mud and rubble. The new multi-storey car park had been in the process of erection nine months before it caught their eye from the spare room window, blocking the view of the Abbey, which was a pity. Joyce ran up some net curtains, a pretty flounced nylon from Debenhams.

Beryl and Sylvia were efficient, cheerful, and kept themselves to themselves. They did their work and sat over the television of an evening; its muted quacking could be heard from behind their sitting-room door. Nora and Joyce also had a television set, on which they watched nature programmes, serials of classic novels, *Gardeners' World* and the weather forecast. Joyce had made a small art of switching on at precisely the right moment to catch the forecaster's opening words without being subjected to the closing paragraphs of the news. Beryl and Sylvia, on the other hand, watched things like *Panorama* and *Man Alive*, and sometimes, tiresomely, tried to initiate conversations about politicians and strikes and some bother in the Middle East. Joyce had to be a bit firm about that sort of intrusion, but on the whole they were nice types, and Beryl was an excellent cook. Beryl was the dominant one, a small dark woman, her wiry black hair suggesting Welsh blood. She sang in the Abbey choir. They had been at St Joseph's Place for three years now.

IN VIEW OF WHICH, and the generally good relationship, the Misses Knight had felt inclined to go along with Beryl's request, made as she cleared the breakfast things one morning. Even so, they exchanged wary glances.

"How old?" asked Joyce.

The niece was eleven, apparently. Joyce and Nora nodded with relief: a younger child, of course, would have been out of the question. A quiet little thing, Beryl asserted. You'll hardly know she's there, through in our part, she won't touch anything in the garden, Sylvia'll see to that. And it'll give my sister and her husband the chance of a break on their own, ten days in the Italian Lakes, I mean, it's no fun for a child, that sort of trip, they took Tracy to Spain last year and she was bored stiff, and tummy upsets and all that. So I said Sylvia and I'd have her, this once. Well, thank you very much then, Miss Knight, as I say

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she'll be no bother at all, we'll see she stays put our side of the house.

And indeed when the time came Nora and Joyce were not even aware of the child's arrival for the first three days of her presence at Cader Idris. She came to Joyce's attention, eventually, as a shadowy extension of Beryl on the stairs, gathering up the trailing end of some dirty sheets that her aunt was carrying, so that Beryl, for a moment, looked like a bride with ghostly attendant. Joyce jumped and exclaimed. Beryl said "Say how do you do to Miss Knight, Tracy. She's been giving me a hand with the laundry. Right, I'll have those pillowcases now."

She was a very thin child. Knobs stuck out all over her, accentuated by the clinging material of her jersey and trousers: hip-bones, the swoop of collar-bones, spiky shoulders, furrowing of ribs, small discs of nipples. A bit pasty, too. The kind of child, Joyce thought, that needed fresh country air and cod liver oil. Memories stirred of evacuees in Wales during the war. But this was no East End waif: Tracy's father, one had been told, was quite high up in a frozen food firm. They had a four-bedroomed house and two cars. Joyce said kindly "Hello, Tracy. I hope you're enjoying your holiday."

The girl was watching her with small, sharp, observant eyes, the narrowed look of a reflective cat, a little disconcerting. She tugged her aunt's arm and whispered something. Beryl laughed. "Tracy was wondering if she could come and see the china dogs in the drawing-room. She noticed them from the terrace through the window and thought they were really pretty."

In front of the china cabinet Joyce said instructively "They are a kind of china called Staffordshire. They used to belong to my mother."

"Are they valuable?"

"Yes, I suppose so."

"Mum's got a glass vase she got in Venice that cost fifteen pounds." Tracy was standing on one leg now, scratching the back of her knee with the other, an irritating contortion. "Excuse my saying so, Miss Knight, but you've got a smudge on your cheek." She watched with detached interest as Joyce, ruffled, scrubbed at her face with a handkerchief. "What's your dog called?"

"Ben."

"Come here, Bennie—good dog, come on then, Bennie." She began to play on the hearth-rug with him. Joyce went to her desk to sort some bills. After a few minutes she said "Ben, not Bennie."

"He likes being called Bennie, don't you, Bennie?"

"I expect your aunt will be wondering where you are", said Joyce firmly.

DURING THE NEXT FEW DAYS Tracy drifted more and more frequently into the main part of the house. Joyce and Nora would become aware suddenly of her presence, swinging on the handle of a door, squatted on the stairs, staring. Or her voice would make them jump. "Excuse me, Miss Knight, can I ask you something? Why's that clock say the wrong time?" And, thus insinuated into the room with them, she would chatter on. My mum this, my dad that, the teacher in our school says this, when I'm at home I do that. Excuse me, Miss Knight, did you know your cardy has a button missing? Bennie likes me, doesn't he, Bennie likes me coming to see him. Did you see Eric and Ernie on telly last night, wasn't it funny when they dressed up like Arabs, I *love* Eric and Ernie, I really love them. Do you like Eric and Ernie? Excuse me, Miss Knight, shall I open that bottle for you, my mum always puts the lid under hot water, then they shift."

"You don't need to say excuse me all the time, Tracy."

And the child, silent for a while, would stare with that look of assessment so that after a bit Nora or Joyce would start to feel uncomfortable; she had a knack of putting one at a disadvantage. There was a wizened maturity about her, a precocious worldliness; a most unchildlike child, the Misses Knight agreed, who had never had much to do with children in any case. Oh, they were fond of children, of course, smiled indulgently in the presence of the offspring of friends or neighbours. The local Cubs were allowed to clean the ground floor windows of Cader Idris in Bob-a-Job week, cheerful robust little boys who said thank you nicely for their money, looking politely upwards at you. Tracy looked upwards too—she was rather small for her age—but gave this disconcerting impression of somehow looking also downwards. And her

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conversation flew off at alarming tangents, you never knew where it might lead next. One day there was an embarrassing account of some feminine complaint of her mother's, full of oblique references—her you-know-where, her down-below.

"Yes", said Joyce briskly. "Now I wonder if Sylvia would like you to help her with sweeping up the leaves outside?"

"Shall I take Bennie in the garden?"

The dog lay on his side, deeply asleep, occasionally twitching. His penis jutted pinkly from the long soft fur of his belly. Tracy said with interest, "He's got his thing out, for making puppies with."

Norah and Joyce had always felt that that was where a bitch was nicer. Of course, there were the other problems with a bitch, but not this visible indecency. Ben was a bother; he did it a lot. "I think Ben would be better in the garden for a bit, dear", they would say to each other. Ben, shut out, would sit resentfully on the terrace, his member shrinking against the cold stone.

"Do you see, Miss Knight? Why's he doing that?"

Joyce got up jerkily, slopping the tea-cup in her hand, and opened the French window. I am going to have a word with Beryl, she thought, the child is supposed to stay through in their part. She watched Tracy and Ben run across the lawn together towards Sylvia, who was methodically raking leaves into golden pyramids. Beyond the lilac walk, a bonfire smoked. From the street came the sound of a loudspeaker or something, a tiresome blaring voice. And on the skyline, just above the crimson flare of the garden sumac, was the arm of some enormous crane with a pulley and a man in a glass box; how long had that been there? Joyce could not remember noticing it before. There was a sense of things pressing in, of intrusion; she closed the window again and poured another cup of tea.

IT WAS EARLY EVENING when Beryl came through to the drawing-room. She was wearing going-out clothes and spoke with some embarrassment. The thing was, she and Sylvia had promised themselves a film with a friend in Birmingham tonight, and they'd reckoned on taking Tracy along, but when it came to the point Tracy didn't want to come—there was something she fancied specially on the telly, and no getting her to budge. So would it be all right if . . . I mean, she'll put herself to bed, and she'll be happy as Larry till then with her supper on a tray and the TV to watch, it's just for her to know she's not on her own in the house.

Joyce and Nora exchanged looks. It was the moment, of course, for a firm but tactful word about the Tracy situation in general. But just as Joyce (like Beryl, the dominant partner and customary spokeswoman) was starting to say, "Well, yes, Beryl, of course just for this once we . . ." the doorbell rang, Ben flew off with a fusillade of shrill barks, and Beryl was saying, "I'll get it, and thanks very much, Miss Knight, I'll tell her to be sure not to bother you."

They heard Beryl and Sylvia leave in the Mini soon after seven. Their own supper, cold except for the soup to warm up in the kitchen, had been set out on the sideboard. Joyce, attending to the soup, heard the television on in the adjoining room—quickfire conversation punctuated with outbursts of laughter that swelled and receded like waves pounding a beach. She considered checking that the child was all right, rejected the idea (with a twinge of guilt) and carried the soup back to the dining-room.

They were in the drawing-room, Joyce playing patience and Nora knitting, when all the lights went out. One moment all was tranquil normality; the next they sat in isolation and confusion. "There must be a fuse gone", said Joyce. They began to tell one another to be careful, to go slowly, to try to think where the torch was. Neither of them remembered Tracy. When, a couple of minutes later, they heard the door open, Nora screamed.

Tracy said "Bang in the middle of *The Good Life*. Wouldn't you just know it! Pity you haven't got an open fire, Miss Knight, at my friend's they've got this real fire and when the lights went out we all sat round and did part singing, lovely it was." She seemed to be skipping round the room; her voice came now from here, now from there—Ariel-like, it chattered at them from invisibility. "Oh, do be careful, dear", cried Nora. "The little table with the Sèvres dish. . . ." There was a bump and a clatter, but it was Joyce trying to find her way to the door and stumbling against the sofa. She stood still, the familiar rendered treacherous, stranded in the middle of her own

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drawing-room. Tracy, her voice dodging now over to the window said "Whoops! Can't you see where you are, Miss Knight? Here, shall I hang on to you?", and Joyce felt a moth-like brushing against her sleeve, and then a cold little hand on hers. She twitched. "Can't you feel where you are? *I* can—look, the door's over there, mind the desk, isn't it fun!" "The fuses", Nora began, "Aren't they in the kitchen drawer, Joyce? Oh dear, I never know how you fit them in, they. . . ." But Tracy broke in scornfully, "It's not a *fuse*, it's a power-cut, they said on the news, West Midlands and parts of the South-East, because of the strike, up to three hours, we'll have to go to bed with candles, where do you keep the candles, Miss Knight?" "Strike?" said Joyce. "Power-cut? But it's disgraceful, they haven't got any right to. . . ." "Because of their money, what they earn, they want something per cent and the government says they can't. Ooh, here's Bennie—I nearly stepped on you, didn't I, Bennie?" "Three hours, but how are we expected to . . .", and how Joyce barked her shin, excruciatingly, against the fender. "Oh", cried Nora, "Are you all right, dear?", and to and fro, in the darkness, went their exclamations of annoyance and distress. The house and its contents crouched around them, turned nasty, waiting to trip or obstruct.

The phone rang, in the hall. Joyce, marooned still somewhere west of the sofa, said "Oh, bother it, now of all times", but already Tracy's voice, receding beyond the door, was crying, "I'll get it, don't you worry, Miss Knight, I know where it is."

"Hello?" they heard her say, and then "Oh, Auntie Beryl—guess what, we're having a power cut, bang in the middle of *The Good Life*. What? Ooh, goodness, did it really? Yes. Yes, I'll tell them, auntie. No, quite all right. Yes. Not to worry, auntie—will do. 'Bye for now." And back she came, flitting confident across the rooms, her voice important with information and bad news. A breakdown. The gasket. Garages just don't want to know. Stop over the night with Mandy in Solihull and an early bus tomorrow. Terribly sorry. Put meself to bed and not be a nuisance. Candles in the landing cupboard. Ever so sorry.

Nora, too, now was on her feet. "No, I can manage, dear. Really, isn't it the limit! First the lights and now this. Surely they. . . . Oh, well, we must just make the best of it. I'll find the candles"—and to Tracy, firmly—"No, Tracy, thank you very much, there are some rather fragile things in the landing cupboard and I know whereabouts the candles will be." She began to grope her way through the door and across the hall: a bump, an exclamation, a yelp. "Oh, *Ben*, get out of the way. . . ." "Do be careful, Nora." "I'm all right now, I've found the banister." Clump and shuffle up the stairs; creak of boards; another exclamation, distant now; bangs and clatters. "Here we are! I've got them, Joyce." Steps on the stairs again, less cautious now, and. . . .

An awful, slithering crash. Silence. "Oh, Miss Knight, I think she's fallen down the stairs."

IT SEEMED hours. The fumble for matches, grope for scattered candles, why doesn't she *say* anything? Tracy vanishing and then suddenly reappearing with a blessed, reassuring beam of light—the torch, however did she find it? Never mind. And thank heavens Nora is trying to heave herself up, groaning something about her back, saying she feels a bit queasy, don't worry, dear, be fine in a minute.

And collapses again.

It was Tracy, in the end, who dialled 999. "Excuse me, Miss Knight, you're putting your finger in the wrong hole. I can see, shall I. . . ." And appeared from the kitchen, breathless and important, with cups of tea. "My mum's got this friend who's a nurse and she says it's the best thing, when you've had a shock, it steadies people up. I put two sugars in, is that O.K.?" And let the ambulancemen in and skipped from one leg to another in the now candle-lit hall, a-twitter with interest and involvement.

The reviving sight of uniformed men (on one's own side, there to serve, like policemen and commissionaires), or possibly the tea, put heart into Joyce once more. She was able to adjust her tone of voice, step aside from those awful dithery moments when even Tracy had seemed a support, and behave normally. She told Tracy to shut Ben up in the cloakroom, and exhorted the ambulancemen, shouting slightly, as though the power cut affected hearing as well as vision. "O.K. love, take it easy", they said, shooting powerful beams of torchlight into the gloom. "She's conscious, is she? Don't worry, it doesn't look like a bad one, you sit back and leave it to us now." And

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Joyce, explaining that she was not worried, not unduly, found herself pushed to the fringe of things, screened from Nora by large competent backs, not quite picking up what was said.

They did not think there was anything broken. Concussion, probably. X-rays. Observation. And now there was Nora being carted off, her hair all anyhow, looking white but stoical, strapped up in a nasty red blanket that somehow suppressed personality: she might have been anyone. "Right", said the ambulanceman, "We'll get off then. That's it, you come along too, that's the best thing"—as Joyce groped for her hat and coat.

Again, she forgot Tracy. It was not until she was climbing into the ambulance that she found the child at her side, bright-eyed, tucking herself into an unoccupied corner. "Oh", Joyce began, "I don't really think. . . ." But they were off now, rounding the corner into the High Street, and the men were laughing at some remark of Tracy's that Joyce did not catch. "She's a card, your grand-daughter", said one of them. Joyce opened her mouth to deny relationship, but Tracy was already off on a saga of explanation. Nora turned her head to one side and closed her eyes.

JOYCE AND NORA, all their lives, had enjoyed good health. The occasional tiresomeness had been attended to by their G.P.—as private patients, naturally. Joyce had seldom set foot inside a hospital, except once to have a nasty boil lanced and otherwise only to visit less fortunate friends (and then with some reluctance—there but for the grace of God, and one did not want to be reminded of that). Now, she was disconcerted by the detachment and dexterity of the nurses who whisked Nora away from her down gleaming corridors. Nobody consulted her or asked her what she would like done. She sat disconsolate in a waiting-room; Tracy, beside her, was immersed in some cheap women's magazine, stuffed with advertisements for sanitary towels and deodorant. There were other people also waiting, an elderly man who shuffled and muttered (possibly drunk, Joyce realised with alarm), a black woman with a small child, an adolescent boy with a radio that emitted vulgar music, turned low but still irritating. Joyce would have told him to turn it off were it not that she herself felt so uneasy in this place as to be quite without the protective armoury of personality. She felt a fish out of water, as though she were abroad (she and Nora had never cared much for abroad), as though she were displaced in time. And yet it was here and now, and she was not half a mile from St Joseph's Place.

When at last a young doctor appeared, saying "Miss Knight?", she gathered herself with an effort and began "Ah, now perhaps you will be so good as to take me to my sister, we must discuss various things and. . . ." But the man was already explaining that the X-rays showed a cracked rib, nothing worse, though there was certainly concussion, and Nora was drowsy now, and quite comfortable in Ward C in the main building and would be best left to herself tonight, visiting hours tomorrow were from. . . . "Ward?" said Joyce. "Oh no, we shall want a private room, there's been some mistake I'm afraid, my sister and I always. . . ." The private wing, the doctor explained, courteous but positive, was full and no amenity beds available tonight. "Oh, but really", cried Joyce, "That won't do. Surely there must be some way of arranging something, Doctor er. . . ." "Tomkins", chirped Tracy, "Doctor Kevin Tomkins. Isn't that funny, my dad's called Kevin, too!" And now Joyce saw the little white-lettered metal strip against the doctor's jacket. "Doctor Tomkins", she continued, "I'm afraid I really can't have my sister in. . . ." But the young man was beaming at Tracy, saying really, fancy that now, well, well, and what's your name? And the wretched child was off on yet another spiel of my mum this, my auntie that, actually I don't live at, our house is. . . . And the man also came from Derbyshire, it appeared, which accounted for the eery similarity between his speech and Tracy's accent—a diction which, Joyce now realised, had jarred her ear for many days. She felt in even further alienation, tumbled against her will into a discordant and wayward world. It was as though the television could not be switched off, or the front door of number seven St Joseph's Place would not close.

"Don't worry", said the doctor kindly, "Your sister will be well taken care of, I promise you. Why don't you get along home now, it's getting late." He patted Tracy on the head. "You see your auntie gets herself a nice hot drink and a good night's sleep, eh?" And

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Tracy, smirking, was saying, yes 'course I will, actually it's Auntie Beryl's my auntie not . . . at the same moment as Joyce snapped, "The little girl is not my niece. Thank you very much, doctor, no doubt I shall see you in the morning."

THEY TOOK a taxi home. The power cut was over; the house blazed with light. Joyce, a little restored as she stepped into the hall, was filled with sudden rage against these unknown people, whose activities had caused the whole thing, but for whom she would be filling Nora's hot water bottle, while Nora put Ben to bed in the downstairs cloakroom. What had they to do with her, what right had they to intrude in her life? She hung up her coat with clumsy, jerky movements, while Tracy and Ben skittered about her in joyful reunion. "Oops!" said Tracy, "You've knocked down Miss Knight's hat, Miss Knight—here, I'll get it. Isn't it muddling, you both being called Miss Knight, if I was going to be here a long time I'd have to call you Auntie Joyce, wouldn't I?" She followed Joyce through into the drawing-room, singing to herself. A cheerful little soul, Beryl had said, quiet, I promise you she won't be any bother, you'll hardly know she's here.

It was half past eleven. "Time to go to bed", said Joyce firmly. She felt more in control now, braced by the security of the house, the controlled and ordained atmosphere, nothing unchosen, nothing out of place. "Bed, Tracy. I'll just come through with you and see everything's all right."

She did not often go into the staff quarters beyond the kitchen; staff, she and Nora had always affirmed, had a right to privacy, too. Now, walking into the sitting-room without knocking, she felt a little awkward. Tracy bounced ahead through the door of the small boxroom that had been turned into a bedroom and then out again, saying "Left my nightie in their room—just have to get it." She opened the door of the other bedroom, and Joyce saw to her surprise a double bed. She stood staring; on a bedside table was a photograph of Beryl and Sylvia, arm in arm, in bathing costumes. Joyce said, "Oh dear, Beryl's had to turn out of her room for you."

Tracy was rummaging under the bed. She popped out, a garment in her hand. "Oh no, this is where Auntie Beryl and Auntie Sylvia sleep, in the big bed—always—they had it put in special when they came, didn't you know?" "When they. . . .?" said Joyce faintly, looking round the room now, untidy, the dressing-table a muddle of pots and bottles, a smell of powder and scent. "Didn't you know? Because of being married to each other, like ladies and men are. My mum told me, she said I'm quite old enough to know about that sort of thing and it's nothing to make a fuss about, quite a lot of people are like that, you get men marrying each other too." She giggled. "Catch me marrying another girl when I'm grown-up, I don't see the point, my mum says she wouldn't fancy it either but it's not her business and it takes all sorts to make a world. I like Auntie Sylvia, she's ever so nice—she made fairy cakes with me yesterday. I'll just go and clean me teeth."

Joyce stood in the doorway, looking at the bed. From the bathroom came brisk sounds of scrubbing and spitting. She felt physically unsteady. It was as though the house had been shaken up around her, like the glass in a kaleidoscope, and reassembled in an unrecognisable pattern. The place had been violated—by unknown men in some power station, by the association of these women. One had always known the world was not entirely to one's own taste, and had made one's arrangements accordingly. What the eye doesn't see, the heart doesn't grieve over. It had been possible, she thought, to detach oneself, to be selective, to be in the world but not of it; tonight, a spiteful world had disputed this. She was sixty-eight, not as fit as she used to be; if this kind of thing was going to go on, she did not know for how long she could hold out.

Tracy came out of the bathroom, wearing a flowered nylon nightdress; thin, unchildish, and as powerful as a coiled spring. She said "Nightie-night", and then, coyly, "Auntie Joyce."

Joyce went through into the main part of the house. In the hall sat Ben, wagging his tail. As he jumped at her in greeting she saw that he was protruding again beneath. Bitches they had usually had spayed. She and Nora had long ago agreed that Ben was not the most successful King Charles they had had, but once you own an animal you are committed to it, there is nothing you can do. She shut him in the cloakroom and went upstairs to bed, slowly, the sound of the High Street traffic suddenly loud beyond the landing window.

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Richard Lowenthal

The "Missing Revolution" of Our Times

Reflections on New Post-Marxist Fundamentals of Social change

REVOLUTIONS, according to the famous statement of Karl Marx, are the locomotives of History. He was, of course, thinking of the democratic revolutions of the West—of the Dutch, English, and French revolutions as well as the American one, which he described as "bourgeois revolutions." No similar "locomotives" had yet made their appearance in other parts of the world.

He was also thinking of the "proletarian revolutions" he foresaw for the future of the capitalist industrial societies that had arisen from those bourgeois revolutions. As the Bourgeois Revolutions had played a decisive role in overthrowing absolute monarchic rule, sweeping away the remnants of a feudal ruling class and clearing the path for the rise of industrial capitalism and the eventual development of democratic institutions, so the Proletarian Revolutions of the future would overthrow the rule of the bourgeoisie however liberally disguised, expropriate the capitalist expropriators, and clear the way for the rise of a classless society and the eventual withering away of any form of state. And as the first awakening of the popular masses had culminated in revolutionary dictatorships directed against the survivors of the old régime in England and France before issuing into more liberal régimes, so the coming uprising of the workers would have to culminate in a "Dictatorship of the Proletariat" over its former exploiters before the domination of men over men could disappear altogether.

Marx knew well enough that the "bourgeois revolutions" had in fact happened at different stages of economic and social development and with different international complications in different countries, and that several of them had suffered equally violent restorations before the end of the revolutionary cycle was reached. But he remained firmly convinced that as, in the major nations at least, the goal of democracy could not have been attained *without* a bourgeois revolution, so the goal of the classless society could not be attained *without* a proletarian revolution—though in politically backward countries (like the Germany of his time) the two upheavals might be telescoped into a single process of "permanent revolution."

It is beyond the scope of this essay to re-examine the question how far the Marxian theory of revolution is an adequate generalisation of the history of the great democratic revolutions of the West. I am concerned here with the fact that this theory has, on one hand, influenced modern thought about the preconditions of democracy far beyond the ranks of self-confessed Marxists, and on the other hand has long played a vital part in the doctrine guiding the actions of the Communist movements of our time. My purpose, then, is to confront the beliefs and doctrines derived from the Marxian theory, not with different interpretations of the evidence on which it was based—that of revolutions in Western pre-industrial societies—but with the new evidence offered since Marx's time by the development of industrial societies. That evidence goes to show that, thus far, *in no industrial society has a political and social order been overthrown by a successful revolution of the masses "from below"—be it a "bourgeois", democratic, or a "proletarian", Communist revolution.* But so strong is the hold of the Marxian theory—or should we call it the Marxian revolutionary myth?—on the public imagination, that this seemingly obvious fact has hardly entered into the public consciousness as yet.

The first correction administered by the course of history to the Marxian revolutionary vision took place in the author's lifetime and was fully recognised by him. It was the experience that a modern, industrial capitalism could in certain circumstances develop without a "bourgeois" revolution, under traditional monarchist rule and by a compromise between the bourgeoisie and the pre-bourgeois landowning class. Marx recognised this development in Prussia and Prussian-united Germany as a "revolution from above"; and indeed Bismarck himself has stated that "in Prussia, only the kings make revolution."

A largely parallel development took place at the same time in Japan, described alternatively as the "Meiji restoration" or the "Meiji revolution." Both

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cases showed that "modernisation", in the economic and administrative, and largely also in the educational sense, could succeed without a democratic revolution, and indeed without substantial advances towards democracy. But in the eyes of Marx (and also of his followers in the Social Democratic movement) this did not prove that in such countries the democratic revolution had become superfluous—it was merely postponed. The revolutionary role the bourgeoisie had failed to play would eventually be taken over by the proletariat. From a *precondition* for the breakthrough of the new productive forces (as which the "classical" democratic revolutions had appeared in the Marxian analysis) their successors thus came to be expected as its eventual *consequences*.

AS THE NEED FOR modernisation became urgent in more non-Western countries with a weak middle class, other alternatives to the "bourgeois revolution" came to be developed. Those of the greatest historical significance turned out to be the Totalitarian Revolutions directed by Communist parties in Russia and China. Their Marxist-trained exponents interpreted their achievement as that of "permanent revolutions" in the sense envisaged by Marx for the Germany of 1848 (though the term itself soon became unfashionable because of its early appropriation by Leon Trotsky). They saw them as originally bourgeois revolutions in which the party of the proletariat had wrested leadership from the hands of the weak and wavering bourgeoisie, had won the peasant masses by its determination in carrying out the agrarian tasks of the bourgeois revolution, and had then proceeded to establish its own dictatorial power and implement its "socialist" programme. In fact, the industrial working class never established its power in Russia, and did not even play a major role in the later stages of the Chinese revolution. Instead, both revolutions were led by centralised, totalitarian parties of the new type first created by Lenin. Such parties were committed to the idea of the historic mission of the proletariat by the Marxian faith of their leaders, but not responsible to the actual interests of the working class or dependent on its actual will in the manner of democratic organisations of that class. Both resulted not in the establishment of classless societies and the withering away of the state, following a transitionary revolutionary dictatorship, but in the establishment of a self-perpetuating, single-party dictatorship over a society administered by a privileged bureaucracy.

While those revolutions were neither democratic, nor proletarian, or "socialist" in the Marxian sense of establishing social control over the means of production (for that would presuppose democratic control over state power), they were powerful "locomotives" of political, economic and social change—of building effective, centralised state machines, speeding the growth of industry, creating a collectivised agriculture, and last not least expanding national power. They thus established a third alternative road to modernisation. Besides the Democratic revolution "from below" and the Authoritarian "revolution from above", we now have the totalitarian Communist revolution, using a mass movement from below to conquer dictatorial power and transform society from above.[1]

The Non-Arrival of Proletarian Revolutions

WHEN LENIN DECIDED in 1917 to seek to transform the "bourgeois" democratic revolution in Russia into a "proletarian" socialist revolution—in spite of Russia's lack of "economic maturity" for socialism in the Marxian sense and of the minority position of the industrial working class—he did so in the expectation that the seizure of power by his party in Russia would act as a signal for proletarian, socialist revolutions in the advanced industrial countries of Central and Western Europe. But those expected proletarian revolutions in industrial societies did not materialise then (a fact which forced the Bolsheviks back on the task of modernising backward Russia in isolation). Nor did they materialise in any industrial country in the more than sixty years since. They are, in point of fact, no longer expected by the Soviet and international Communists themselves.

To the Communist mind, it may not have proved much that the attempts at Communist uprisings in industrial countries in the years following the end of the First World War were uniformly defeated. For though it is true that the shock of the horror of that War was profound and the messianic belief in the new Soviet model was then fresh and untarnished by close acquaintance, it is also true that the Communist parties, regarded by Leninist doctrine as necessary leaders for a revolution, had by then been barely created and were as yet inexperienced and untrained in Leninist strategies. It was more serious that the Great Depression of 1929–32, hailed by the Stalinist leadership of Comintern—however insincerely—as creating an "acute

[1] It was the great merit of John Barrington Moore's *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (1966) to have contrasted those three alternative types, or "models", of development in his examination of the different course taken by the process of modernisation in a number of different countries—a merit that is independent of the degree to which one accepts or rejects his thesis that the decisive causes of the difference are to be found in the different agricultural social structures prevalent in the countries concerned at an earlier stage.

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revolutionary situation", brought not even attempts at revolutionary mass movements. Of the two great nations hit most severely in that greatest crisis ever suffered by the capitalist economy with the number of unemployed reaching at times one third of the labour force, the United States finally reacted, after much unrest and despair, by democratically electing the reform administration of the New Deal. As for Germany, it produced a totalitarian revolution of the fascist type, in which an anti-socialist mass movement, helped into power by crucial sections of the upper classes and the state machine, crushed the utterly divided organisations of the workers, including the Communist Party, without encountering any attempt at revolutionary resistance.

THE NEXT REVIVAL of Communist mass movements, in the framework of the French and Spanish "Popular Fronts" of the 1930s, did not even aim at a revolutionary seizure of power, but at the creation of broad anti-fascist coalitions whose programme was on no account to frighten away, by social revolutionary action, the bourgeoisie of the leading Western countries from the alliance then sought by the Soviet Union. When General Franco's uprising in 1936 produced as a counterblow a spontaneous revolutionary movement in Spain, the Communists under Stalin's directives spent all their energies in the vain attempt to combine an effective military conduct of the civil war against Franco with the stifling of all tendencies towards social revolution, profoundly destroying the unity of the Republican camp in the process and ultimately isolating themselves in defeat.

Following the low point reached by the Communist parties during the Stalin-Hitler pact of 1939–41, when they opposed national defence in the countries threatened or overrun by the fascist Axis powers, they were able to recover when they espoused a policy of resistance and national unity at any price after Hitler's attack on the Soviet Union. After the turning point of World War II, when admiration for the victories of the Soviet armies and the Communists' own sacrifices had restored their mass influence in many countries, the Communists began to press throughout Nazi-occupied Europe for a leading role in the post-Liberation governments, and their strength and experience in partisan fighting seemed to offer considerable prospects for revolutionary developments in at least a few West European countries. But the Soviets, while imposing "revolutions from above" by creating Communist satellite governments as far as their armies marched, instructed the West European Communists to avoid a violent challenge to the American and British forces. They were to seek instead key positions in democratic coalition governments even at the price of dismantling their partisan units—in the hope of later transforming those coalition governments into "People's Democracies" of the East European style after the expected Anglo-American withdrawal. Only in two European countries was a serious effort made at an armed Communist revolution "from below"—successfully in Yugoslavia and unsuccessfully in Greece, neither of which were industrial societies.

The critical reader may object at this point that an account of the Communist parties' efforts to win power has so far been substituted for a more general history of proletarian revolutionary movements. My answer must be: no working class uprisings not directed by the Communists have taken place in industrially advanced countries since the insurrection of the German workers in the Ruhr district directed against the military *coup* of Kapp and Lüttwitz in 1920 (when the German Communists had not yet become a mass party), and the revolt of the Austrian socialist workers against the dictatorship of Dollfuss in 1934 in Vienna (where the Communists never acquired a mass following). Both movements aimed not at a proletarian dictatorship, but at the defence of democracy against an authoritarian counterrevolution; just as the Italian factory occupations of 1920 aimed at the economic defence of the workers against a lockout. Otherwise the Communists have had an effective monopoly of this kind of working-class militancy except in Spain immediately before and during the Civil War in the 1930s—and, again, Spain was not then an industrial country.

The Communist Retreat from the "Classical" Revolutionary Concept

BY THE END of the Second World War at the latest, Stalin and the top leaders of international Communism had ceased to believe in the chances of revolutions of the "classical" type in industrial societies—that is to say, in the overthrow of the "state machine" in advanced capitalist countries by armed insurrection supported by mass movements from below. But Stalin—who was just in the process of engineering the seizure of power by dependent Communist parties in a number of East European countries left in the Soviet Union's sphere of influence by the outcome of the War—by no means excluded the possibility that the sham coalitions, then masking Soviet-imposed "revolutions from above" in Eastern Europe, could, in favourable circumstances, become the models for the direction in which the real coalitions, then formed in continental Western Europe with Communist parties in an often prominent role, might eventually develop.

The idea that the goal of revolution might be

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achieved, not by an uprising against the state machine, but by getting hold of some of its vital levers through constitutional entry into a coalition government—followed by the use of those levers for breaking the constitutional rules, unseating the coalition partners, and suppressing the opposition while mobilising the acclamation of the masses—was, of course, by no means new. It had first been voiced in the Comintern in 1922 by Karl Radek, who suggested that the Communists should abandon their opposition on principle to government participation in the "bourgeois state", and launch the slogan of a "workers' government" in Germany and "workers' and peasants' governments" in the Balkans (meaning Communist coalitions with left-wing socialists in the German and with democratic peasant parties in the Balkan cases). The idea was endorsed by the Fourth World Congress of Comintern in 1922 and tried out in Germany in 1923, in the form of Communist entry into the regional governments of Saxony and Thuringia under left-wing socialist leadership; but it was abandoned at Comintern's next "left turn" after those governments had (in October 1923) been deposed by President Ebert and the *Reichswehr*, and the masses had not risen in their defence.

YET, IN THE MEANTIME, there existed far more successful examples for such a "constitutional road to power" than Radek's pioneering experiment. Had not the prescription been triumphantly applied, even though for a different purpose, by both the Italian Fascists and the German National Socialists?

Both Mussolini and Hitler had combined mass mobilisation with the formation of coalition governments under their own leadership as a starting-point for breaking all constitutional rules and establishing their party dictatorship by a totalitarian "revolution from above." True, the expectation that the "bourgeois state machine", the Army and Police in particular, might carry out the illegal orders of legally appointed Communist ministers as willingly as it had, in those cases, the illegal orders of fascist ones, could hardly be described as Marxist. True, also, there might be a difference between the powers of a junior partner in a coalition government and those of its leading party. But at least experience in Eastern Europe seemed to show that, in certain circumstances, the prescription might work in favour of Communists as well—at any rate in countries where the Army and Police had first been purged with the help of the occupying power, and where the growth of Communist mass influence had enabled the party to supply the chief of the government. That is how it worked out, in 1948, even in the one East European country—Czechoslovakia—where the Communist-led coalition had originally been more genuine than anywhere else, and where the Soviet troops had withdrawn after less than a year. The Prague *coup* of February 1948 was a perfect Communist version of the "totalitarian revolution from above." It is also what must have been (despite the differences of the French situation) in the mind of Maurice Thorez when he unsuccessfully asked for the post of premier in October 1946, after the elections had made the Communists the strongest party in France—and in Joseph Stalin's mind when he tolerated, or even encouraged, the attempt.

This new concept of coalition government as a first stage of a "legal" road to power for Communists in Western industrial countries was never explicitly proclaimed by Stalin or other authoritative Soviet leaders. But it was more than implied in a number of speeches and articles in which East European Communist leaders upheld their forms of "People's Democracy" as models for the coalition strategy of West European Communists—articles then eagerly reprinted in the French Communists' international periodical *Démocratie Nouvelle*. It was only after those strategies had failed in France and Italy with the dismissal of the Communists from the governments in the spring of 1947—and after the Marshall Plan had for the first time opened the prospect of a consolidation of Western Europe on a democratic, non-Communist basis—that the coalition strategy was criticised *ex post* at the foundation meeting of the Communist Information Bureau in September of that year. But the new militancy of mass strikes and local riots then recommended to the West European Communists no longer aimed at the seizure of power, but at the more modest goal of wrecking the prospect of economic recovery under the Marshall Plan. And it was fast abandoned when after two years it became clear that neither political mass strikes nor Stalin's blockade of West Berlin in 1948–49 had been able to achieve that goal.

THE NEXT ATTEMPT to devise a road to power for the Western Communists was undertaken only after Stalin's death. This time it was proclaimed by the highest authority from the rostrum of the leading institution of international Communism—by Nikita Khrushchev in his official report to the 20th Congress of the CPSU. The "peaceful" or "parliamentary" road to "socialism"— which was then, for the first time, officially sanctioned as an alternative to the Bolshevik model of armed insurrection in the capital and to the Chinese and Yugoslav model of partisan warfare in the countryside—was later to be bitterly attacked by the Chinese Communists as an abandonment of the revolutionary core of Marxism-Leninism. But Khrushchev and his supporters had made it perfectly clear that the new strategy was aimed, just like its alternatives, at bringing about a revolutionary transformation of

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society under Communist party control: it was "parliamentary" because it was intended to bring the Communists into the government without previous insurrection, and "peaceful" in its attempt to avoid civil war.

The examples given at the 20th Congress left no reasonable doubt about what was meant. They were the "peaceful" Sovietisation of Estonia after its occupation by the Red Army in 1939–40; the "peaceful" development of Eastern Germany into the "German Democratic Republic" under Soviet occupation; and—most relevant of all—the "parliamentary" seizure of total Communist power by the Prague *coup* of February 1948. Thus Khrushchev was right against his Chinese critics in claiming that he was not abandoning the goal of an eventual complete transformation of the industrially advanced societies of the West under total Communist party rule. But his Chinese critics were right in sensing that Khrushchev now believed that in industrial societies with democratic institutions the goal could not be achieved by a "proletarian revolution" from below, only by a Communist totalitarian revolution from above.

However, in the quarter-of-a-century that has expired since the 20th Congress, no industrial country to the west of East Germany and Czechoslovakia has been occupied by Soviet bloc forces; and therefore no opportunity for a take-over of the type of the Prague *coup* has arisen in any industrial society. Many Communist parties in the West shrank to become marginal sects, and even the traditional Communist mass parties of Italy and France found themselves permanently condemned to a role of sterile opposition without a chance to influence political decisions. The consequent frustration had to be accepted by them as inevitable during the prolonged post-War period of Western prosperity, high employment, and improving social security. But it became intolerable to them as, from the early 1970s, the growing economic problems of the Western world increased their potential of attraction without offering any chance of revolution. To make an effective use of growing mass discontent, it clearly became vital for the Communist mass parties to overcome their isolation and find potential coalition partners. Yet to find coalition partners seemed as clearly impossible for parties committed to a doctrine which saw parliamentary coalition merely as a stepping stone to their own totalitarian rule.

THIS NEW URGENCY to overcome ideological obstacles in the way of finding democratic allies must be recognised as one of the two main roots of the spread of "Euro-Communist" ideas in the West European Communist parties in the 1970s. The other—the growing critical distance of many West European Communists from the evolution of the post-Khrushchevian Soviet Union in general—cannot be discussed in the framework of the present essay, except to say that it culminated in the bitter rejection of the Soviet bloc intervention against the Czechoslovak Communists' 1968 attempt to loosen totalitarian rule in an approach to a "socialism with a human face." The two roots converged in the eventual recognition that the West European Communists could not find democratic partners unless they clearly rejected the Soviet model of party dictatorship for their own countries—unless they committed themselves to the democratic political system not only as a battleground on which to fight for its eventual overthrow, but as a value in itself, to be preserved even in the process of a socialist transformation of the economic system. It was the Italian Communist Party, more eager for constructive achievements and more flexible than its French comrades, which went ahead with solemn declarations to the effect that, when in power, it would respect the right to the existence of opposition parties and all other political, civil and intellectual liberties. The Italians were first supported by the Spanish Communists, just emerging into the fresh air of democratic legality after prolonged underground existence under Franco's régime, and finally by the French party as well. Subsequently all three parties defended their right to this independently assumed new position against Soviet and Soviet bloc criticism, which correctly accused them (at the European Communist conference held in East Berlin in June 1976) of having deviated from the essentials of Lenin's doctrine of the dictatorship of the proletariat.[2]

But this commitment to the democratic liberties as ends-in-themselves means that the parties concerned, to the extent that they stick to it, are not only no longer working for a "classical" proletarian revolution from below, but also no longer for a totalitarian revolution from above—in fact, for no revolution against the democratic political system at all. In their eyes, the anti-model of Prague 1968 had destroyed the model of Prague 1948. The actual conduct of those parties has confirmed the seriousness of the new orientation in the Italian and Spanish cases. The Italian Communists have taken a responsible attitude in matters of trade union demands during the height of the inflationary crisis, arguing that a worsening of that crisis would endanger Italian democracy—which could only be to the profit of the anti-democratic Right. The Spanish Communists have helped along the difficult transition from Franco's dictatorship to the young democracy emerging under the guidance of a king by equally responsible conduct, deliberately pursu-

[2] See on all this the interviews in ENCOUNTER by George Urban: "Lucio Lombardo Radice" (May 1977), "Manuel Azcárate" (March 1979) and "Milovan Djilas" (December 1979).

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ing a constructive policy and restraining all violence. By contrast, the conduct of the French Communists, while by no means revolutionary, has been characterised by unrestrained demagogy throughout. In France the Communists have proved to be more concerned with their momentary electoral strength as compared with the socialists than with overcoming their isolation; and the depth of their proclaimed conversion to democratic principles must therefore remain in serious doubt. But the mere fact of that proclamation, however tactically conceived, would not have been possible if a serious belief in a future revolutionary overthrow of the democratic system still had a hold over their followers. The myth of the coming proletarian revolution, in whatever form, is dead in all the advanced industrial countries.

The Failure of "Belated" Democratic Revolutions—and their Non-Revolutionary Alternatives

I HAVE ALREADY mentioned the Marxist expectation that countries which had reached the level of industrial modernity without a democratic revolution, by an authoritarian "revolution from above", would make up for the missed revolutionary experience at a later stage, under proletarian leadership. In fact, attempts at such a "belated" democratic revolution have been made in several advanced Western countries; but they have not been ultimately successful. However, belated development of democracy *has* succeeded by non-revolutionary means in these and other advanced countries—in ways not foreseen in the Marxian vision.

The most debated case of the failure of a "belated" democratic revolution is that of the German revolution of 1918–20. Historians are agreed today (*1*) that it was one of the few great revolutionary mass movements ever to take place in an industrial country; (*2*) that while it was based principally on the industrial working class, the overwhelming majority of its participants aimed not at a dictatorship of the proletariat, but at the democratic revolutionary goal of a parliamentary democracy made secure by destroying the strongholds of the anti-democratic, authoritarian rule of the past; and (*3*) that it ultimately failed to achieve that goal, producing instead a weak parliamentary régime still dependent on undestroyed and hostile anti-democratic forces, who in the end delivered the country into the hands of National-Socialist totalitarianism.[3]

There is less agreement about the causes of that partial but ultimately decisive failure. While a once-influential view held that the Social Democratic leaders had no alternative to their fateful alliance with the army's High Command and the Free Corps, because of the seriousness of the Communist danger, most recent German historians take the view, long shared by the present writer, that this danger was vastly overestimated by them (considering the small number and poor organisation of the German Communists, and the weakness and isolation of Soviet Russia at the time); and that the attitude of Ebert and his closest associates was also determined by a profound lack of understanding of the changes in social power relations needed to make democracy secure in Germany. Yet there is convincing evidence that such understanding was widespread among the masses of their followers—as shown by the vote of the Congress of Workers and Soldiers' Deputies in December 1918 in favour of a radical break-up of the military hierarchy; and again by the demands of the German trades unions after the defeat of the Kapp Putsch in March 1920 for the formation of a joint government of the two social-democratic parties to carry out a programme of radically purging the army and the high bureaucracy from the enemies of the young Weimar Republic. The question thus remains why did no alternative leaders come forward to meet the mass demand for radical measures to consolidate democracy, and why ultimately did the masses themselves refrain from taking further action for the completion of the democratic revolution?

THE GERMAN CASE has been regarded by many commentators as the expression of a peculiar German incapacity for revolutionary action, of a tradition of submissiveness to authority deeply rooted in the German national character. But quite apart from being contradicted by the spontaneous mass movement that originally overthrew the Kaiser and by the magnificent general strike that defeated the Kapp Putsch as well as by the armed uprising against the latter in the Ruhr, this thesis overlooks that the aimlessness and indecision of the German revolutionary movement of 1918–20 was not really unique. The Italian mass awakening of the same period, for all its striking differences to the German story, also offers interesting parallels.

The unification of Italy in 1859 under the leadership not of Garibaldi, but of Cavour and the House of Savoy, had been another case of a "revolution from above." Indeed, in some respects, Cavour had been Bismarck's model. The resulting parliamentary monarchy, with electoral participation limited by the *Non Expedit* of the Vatican on one side and by illiteracy and landowner's pressure

[3] See, for the state of discussion, Francis L. Carsten, *Revolution in Central Europe* (1972). An important recent contribution: Heinrich A. Winkler, *Die Sozialdemokratie und die Revolution von 1918/19* (Göttingen, 1979).

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in the South on the other, had been far from a modern democracy. Italy's participation in the First World War, bitterly opposed by the bulk of the organised working class, had become wholly unpopular by its end: the extent of the human suffering caused had become apparent while the expected fruits of victory failed to materialise. The sudden enormous increase in political participation due to the simultaneous radicalisation of the workers and part of the peasantry on one side and the appearance of a Catholic mass party, the *Popolari*, on the other, was bound in the circumstances to assume some of the features of a belated democratic revolution. But its crucial act, the formation of a broadly-based government of radical democratic reform (which would now have been legally possible), was prevented when the "maximalist" majority of the socialist party refused, for doctrinaire "Marxist" reasons, to join a government in the "bourgeois state." At the same time, the "maximalists" had no idea of how that state was to be overthrown in a "proletarian revolution." They merely helped to paralyse it, while the equally "radical" and equally aimless militancy of the trades unions, culminating in the factory occupation of August 1920 in answer to a lockout in the engineering industry, helped to paralyse the economy. The result is known. Instead of a belated democratic revolution, the first totalitarian fascist revolution emerged from the crisis of the semi-democratic régime. All the tremendous political and trade-unionist activity of the democratic workers' movement and all its heroism in trying to resist the fascist terror proved to have been in vain.

IN THE OTHER classic country of the "revolution from above", in Japan, there has never been even an attempt at a "belated democratic revolution." Yet there is still one major crisis in another country that deserves to be examined from this angle: the origin of the French Third Republic in 1871.

Historians have been inclined to assume that the tasks of the democratic revolution in France had been completed once and for all in the tremendous revolutionary cycle starting with the events of 1789 and ending in the replacement of the Restoration régime by the liberal monarchy of Louis Philippe in 1830. They have tended to overlook that after the failure of the revolution of 1848, the Second Empire of Napoleon III, while continuing to build on the economic legacy of the revolution and indeed speeding up France's economic development, had gone back on essential political achievements of the earlier revolutions. Universal suffrage for elections to the sham parliament of a plebiscitary-dictatorial régime was no substitute for the essential political freedoms for which the French had fought so long. The fall of the Second Empire by defeat in war (like that of Bismarck's German Empire half-a-century later) thus became the occasion for the rise of a new democratic republic—a "belated democratic revolution" in an advanced country, and at first sight the only successful one.

But only at first sight. For the Third Republic, proclaimed by Gambetta in response to national defeat, was only consolidated by the Versailles government through its crushing of the Paris Commune—hence it was consolidated under the sign of counter-revolution rather than revolution. For a full quarter of a century, it bore the marks of that origin—beginning with the presidency of the defeated Marshal MacMahon, a true precursor of Hindenburg. It was, in the phrase of Daniel Halévy, "*La République des Ducs*" [4]: a state in which the aristocracy of birth enjoyed a highly privileged standing, the army regarded itself as exempt from democratic control, and its alliance with the clergy seemed able to hold down all democratic movements of the masses—regardless of democratic suffrage, the responsibility of government to a two-chamber parliament, and other freedoms anchored in the constitution. It was, in short, no more and no less a successful democracy than the Weimar Republic and the "belated democratic revolution" of France in 1871 may therefore be judged to have been no more successful than that of Germany in 1918–20.

But, of course, the decisive difference came later. The Weimar Republic, with all its anti-democratic handicaps, had to confront within ten years the worst economic crisis of modern history—and it succumbed. The French Third Republic, having survived a quarter of a century without such a deadly shock, came finally to be transformed by internal forces—and became the authentic democratic state it had not been at birth. In the ten years preceding and following the turn of the century (in which the struggles about the Dreyfus affair and about the separation of Church and State were fought out and won by the Left), the dominant positions of the anti-democratic hierarchies of Army and Church were broken. What the belated democratic revolution of 1871 had failed to achieve, a patient non-revolutionary struggle (aided by the long tradition of the earlier great revolution) had at last brought about: a viable, modern democracy.

NOR WAS THAT TO BE the last example of the creation of effective democratic institutions in an advanced society without a classical revolutionary process.

The collapse of the Nazi and fascist dictatorships in Germany and Italy and of authoritarian military

[4] Daniel Halévy, *La République des Ducs* (Paris, 1937).

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rule in Japan owing to their defeat in World War II resulted not in belated democratic revolutions, but in the emergence of new democratic states by other means—under the initial tutelage of the victorious democratic powers. True, in the Italian case there were considerable elements both of a revolution from above (in the King's dismissal of Mussolini) and of a revolution from below (in the partisan uprising against the subsequent "Fascist Republic" in Northern Italy). But even here, cooperation with the continuing monarchy in the struggle to overthrow that last form of the fascist régime and drive out its German protectors was accepted by the partisans and the anti-fascist parties directing their struggle. The post-War abolition of the monarchy took place not by a revolutionary upheaval, but by a peaceful plebiscite legally conducted by the King's government. The Allied presence had assured the legal continuity of the process—the will of the Italians assured the democratic outcome.

In Japan, where there had been no revolutionary stirrings at all, the Americans deliberately refrained from demanding the abdication of the Emperor, but took the lead in drafting both a democratic constitution and a far-reaching land reform. Together with the dismantling of the armed forces, that land reform assured the destruction of the principal anti-democratic elements of the social structure as thoroughly as the most radical democratic revolution could have done. The result has been a remarkably successful case of a non-revolutionary introduction of democracy in an advanced industrial country with a long-standing authoritarian tradition. One could almost speak of a "democratic revolution from above" willingly accepted by the people.

In Germany, where Adolf Hitler had been the head of state, no question of legal continuity could arise. Indeed it was the continuity of the state itself that was destroyed. At the same time the revolutionary impulses were weak in the thoroughly exhausted and defeated nation left with little hope, and the occupying powers discouraged them, determined as they were to shape the future political structure of the country in the interest of their own security.

In the case of the Western powers this meant that they originally favoured the slow building of a highly decentralised democracy from below. As time went on, the growing self-confidence of the German democratic parties and the sharpening competition with the Soviets forced a quicker pace and a recognition of the need to keep decentralisation within the limits of viability. When, finally, the East-West conflict and the need for a German partner in the economic reconstruction of Western Europe under the Marshall Plan made the creation of a single, separate state out of the Western Zones-of-Occupation inevitable, the indigenous German democratic forces had grown strong enough to determine its political structure in all essentials. Here, too, the process of constitution-moulding and state-building was now democratic, legal, and peaceful. At the same time, of the principal anti-democratic forces which a democratic revolution would have had to destroy, the Nazi party and its war machine had been crushed by the victors, while the landed aristocracy of Eastern Germany had first been deprived of its political independence by the Nazi régime and then been dispossessed by the Soviet occupying power. The heavy industrialists of the Ruhr, weakened by Allied decartelisation and trade-union co-determination, turned out to be cured from anti-democratic political ambitions by bitter experience.

The result has not only been a viable democratic constitution, but a stable democratic state of non-revolutionary origin. For over more than 30 years the Federal Republic has proved immune from the internal threats that destroyed the earlier product of a failed democratic revolution.[5]

THE NON-REVOLUTIONARY RISE of three viable democracies from the ruins of totalitarian or military-authoritarian states in industrially advanced countries could have appeared to most contemporary observers as a non-repeatable phenomenon, due to the unique situation at the end of World War II. Today, however, we are faced with the fact that a non-revolutionary transition to democracy has taken place in two of the last three European military dictatorships that collapsed in the 1970s—to wit, in Greece and Spain (though not in Portugal).

In Greece, the military junta was overthrown, after its disastrous foreign policy blunder in the attempted Cyprus coup, by the military leadership itself, which then under popular pressure decided on a gradual transition to democracy culminating in free elections. In Spain, it was King Juan Carlos, designated by Franco himself as his successor, who after the dictator's death carried through the difficult process of peaceful and legal democratisation including the legalisation of democratic parties and finally even the Communist party, despite the bitter opposition of the entrenched defenders of Franco's dictatorial régime, among them a considerable part of the Army leadership. The achievement of the King, and later of the first democratically-based government under Adolfo Suarez, was the creation of a democratic constitution that was overwhelmingly accepted (despite the immense difficulty of the still partly unsolved problems of regional autonomy). It was clearly

[5] *Cf.* my essay on "Bonn und Weimar: Zwei deutsche Demokratien", Richard Lowenthal, *Gesellschaftswandel und Kulturkrise* (Frankfurt, 1979).

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facilitated by the reluctant respect of the anti-democratic Right for the legitimacy of a monarch who was both designated by Franco and a scion of the traditional Spanish royal dynasty, and by the determination of the Left (including the Spanish Communists) to avoid a repetition of the horrors of the Civil War.

However, both the young democracies of Greece and Spain have had to pay a price for their non-revolutionary birth which the democracies arising from World War II had been spared. In contrast to the latter, their creation has been dependent on the consensus of the same military hierarchies that had previously been the pillars of authoritarian, anti-democratic régimes; hence they have been unable to destroy a force which might once more turn anti-democratic in a future crisis. Both thus remain burdened with the problem which the French Third Republic only succeeded in solving after a long time, and on which the German Weimar Republic foundered.

Causes & Consequences

IT APPEARS, THEN, that modern industrial societies are remarkably resistant to the kind of revolutionary change envisaged by Marx. They have not produced a single "proletarian revolution" in a century. Nor have those of them which had not undergone a democratic revolution before reaching the industrial level been able to bring forth a fully successful "belated" democratic revolution of the classical type. This waning of classical revolutions in the industrial world is far too general a phenomenon to be explained by the peculiar conditions in any one country or the peculiar characteristics of any one nation. It is, in fact, more general than the basis of Marx's own generalisation about the locomotives of history.

How, then, are we to explain the apparent fact that those locomotives have been taken out of service in the industrial societies of our time?

Disappointed would-be revolutionaries, like the late Dr Herbert Marcuse, have presumed to find the reason in the supposedly unlimited capacity of "late capitalism" for ideological manipulation. But that view ignores the fact that we are by no means faced with an incapacity of modern industrial societies for major political and social change. Indeed I have described a number of major examples of changes in a democratic direction that have been no less far-reaching and profound than revolutionary changes of the classical type. What is missing is merely the familiar *form* of the democratic revolutionary process—the irresistible surge of the fury of the masses sweeping away the old order, which used to inspire the enthusiasm or the terror of onlookers.

Now there is indeed an obvious connection between this alteration of the form of major political and social change and the arrival of the industrial age. It lies in the enormous increase in the importance of the functions, and therefore of the functioning, of the public administration for the daily life of the masses of people. A state order that expressed itself principally in the holding down of the peasant masses by biased laws, backed by force, or in faraway foreign wars could be happily overthrown in time of crisis. A state on which depends the safe transportation of vital supplies, the prevention of epidemics, the schooling of children, the safe functioning of an immensely complicated division of labour, may be often burdensome and at times in need of major change—but the continuity of its functions is needed by all at the same time (and most of all by the swollen populations of the urban centres).[6] In the civil war of predominantly agrarian Spain of the 1930s people on both sides feared their enemies and the extent of killing and destruction. In the transformation of industrial Spain of the 1970s, people feared a new civil war as such as a national catastrophe—and avoided it, while achieving major change by other means.

IF THAT IS TRUE, it becomes comprehensible why revolutions in our time are in the main confined to the underdeveloped countries. In the advanced industrial countries, the only revolutions still likely to be acclaimed by masses in a crisis are those that take place not against the state machine but with its help—like the Right-wing revolutions of fascist Italy and Nazi Germany and the Communist Prague *coup* of 1948; but those can hardly be said to have advanced the course of history. Conversely, a number of major structural changes in the social and political order, which at other times would have required violent revolution, have been achieved in advanced societies by other forms of "liberalisation" and "democratisation."

That argument applies not only to the above examples from the Western capitalist world and to its future. It also applies, in my view, to whatever prospects may exist for an eventual liberalisation of the Soviet régime and the states of the Soviet bloc. Unlikely as such a liberalisation may appear today by any road, its achievement by revolutionary upheaval is the least likely of all. For in our industrial (or "post-industrial") age, the locomotive has become an outdated means of historical transport.

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[6] For an earlier statement of this argument with special reference to Germany, see my essay, "Die deutsche Sozialdemokratie in Weimar und heute: Zur Problematik der 'versäumten' demokratischen Revolution", in the aforementioned German volume of my political essays.

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Peter Reading

Hardfhip Aboard American Sloop The Peggy, 1765

Sailed for New York from Azores,
October 24th,
American floop the *Peggy*
(Mafter, Captain Harrifon),
cargo of wine and brandy
alfo a negro flave.

Storm blew up from North-Eaft,
rigging feverely damaged,
could make no way, d'ye fee?
Harrifon rationed all hands,
one pound of dry bread per day,
one pint of water and wine.

Hull fprung breach below water,
two veffels paffed—foul conditions
prevented communications,
rations reduced by degrees,
no food or water remained,
hands drunk on brandy and wine.

By December 25th
clement weather prevailed,
a fail was fpied, but its fkipper,
damn his eyes, ignored our fignal,
all hands pierced the air with fcreams
more pitiful than mews' wails.

Only liveftock aboard—
two pigeons and the fhip's cat,
doves flain for Chriftmas Dinner,
flew the cat two days later,
divided it into nine,
head was the Captain's portion.

After the cat, the negro.
Fell on his knees, begged mercy.
Dragged him into the fteerage,
fhot through the head by James Doud.
Kindled a fire, abaft
to fry entrails and liver.

Mr James Campbell, half ftarved,
rufhed forward, ripped out the liver,
ftuffed it raw into his mouth.
The reft of us, after feafting,
pickled the body's remains—
threw head and fingers o'erboard.

James Campbell died raving mad
three days later, from eating
the liver raw. Fearing much,
left we all contract his madnefs,
refrained from eating Campbell,
caft body unto the fea.

By January 26th
the corpfe of the flave was ate.
Drew lots to fee who was next,
myfelf, David Flat, foremaft man,
felected the fhorteft ftraw,
afked to be defpatched quickly.

Reft of the hands decided
to wait till 11 o'clock
next day before flaying me
left deliverance fhould arrive.
That night my fenfes quit me—
'tis faid they have not returned.

At 10 a veffel hove-to,
the *Sufannah* bound for London
(Mafter, Thomas Evers),
took furvivors aboard,
myfelf in a fwoon, raving,
reached Land's End March 2nd.

To this day fometimes I fee them:
Captain David Harrifon,
James Doud, Lemuel Afhley,
James Warren, Samuel Wentworth,
eyes like a frightened horfe's
of the neger, whites uplifted.

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Kazimierz Brandys

Polish Realities

Pages from a New Novel

I SUPPOSE YOU TAKE ME for a representative of the Polish intelligentsia, that enlightened and patriotic social class that has a tradition of taking upon itself the spiritual guidance of the nation, of making men out of the Polish people and of determining the place of Poland in the world. Indeed, your questionnaire has a paragraph along these lines, and the question you ask is an important one:

> *Does your social existence condition your thinking, and if so, to what extent? Do you see yourself as a product of your membership of a class?—or of an ethnic, professional, or religious group?*

One might think that a Marxist had written this section of the questionnaire. It is striking to observe how profoundly the Marxist categories have penetrated your mind, the humanist mind. There is a paradox here: the perpetuation of Marx's social ideas is now the work of the developed capitalist countries, while we, instead of building our socialist superstructures as Marxists, are the ones who yearn for metaphysics. I often think that it would be in one of your universities that one would find the young Marx teaching today.

The Polish intelligentsia . . . I sometimes wonder if the philosophy of our nation, its energy and its reserves of psychological strength—if all this does not get dissipated in wit and whispered jokes, anonymous, always mocking, ironic or absurd, often couched in a sentence or two; if for us these things have not begun to take the place of thought, courage, and dignity.

For instance: "Rabbi, can one build socialism in only one country?" "Yes, my son, one can build socialism in only one country, but one must live in another." It's a very old joke, almost a classic of its kind. But who do you think made it up? And who makes up the hundreds of others? Without a doubt, some very intelligent people. There's no trace of popular humour there; they're inventions of the intelligentsia. As you can see, we are still busy with the guidance of souls!

WHAT does it mean in Poland today to belong to the intelligentsia? Who belongs to it? That's what nobody knows. Sometimes, in an attempt to be precise, one speaks of the humanist intelligentsia, or "the intellectuals." But the lack of criteria makes the situation anything but plain. No one knows who belongs to the intelligentsia because no one knows what it is. One simply knows that it is no longer what it was fifty or a hundred years ago.

Of course, certain remarks can be made, especially in the form of pious wishes. One can, for example, assert that the intelligentsia is a social class that creates the consciousness society has of itself; or again, that it constitutes a certain type of human being who puts culture ahead of reality. It sounds right, but it is inadequate, it is too subjective. Who takes on this role of social consciousness, how, when, and where? Is it journalists in the daily papers or PhD's in the weeklies? Who puts culture ahead of reality, and for whom is it the other way

KAZIMIERZ BRANDY'S *novel "Nierzeczywistosc (Unreality)", written in the mid-1970s, circulated in samizdat in Poland but could find no official publisher until in November last year excerpts were published by the Polish monthly journal, "Polityka." A French edition has appeared (Editions du Seuil), and an English translation under the title "A Question of Reality" (translated by Isabel Barzun) is published by Scribner's in New York and Blond & Briggs in London.*

Brandys was born in Lodz in 1916, studied at Warsaw University (where he now teaches drama), and is the author of half-a-dozen novels. In 1966 he resigned from the Communist Party, of which he had been a member for twenty years. His novel is a meditation on Polish life since the Nazi invasion, and takes the form of reflective replies to a searching questionnaire.

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around? How must we organise and conduct research—by means of surveys and confessions? Gone are the old objective criteria by which it appeared that the schoolteacher, the physician, and the judge helped to make up the intelligentsia for reasons beyond their own intellectual ambitions, because the mere fact of being a doctor, a teacher, or a judge defined one's place in society. Do you remember the schoolmasters of the time before the War? Do you recall what the funeral of the old doctor meant in a small town? To me in the 1930s, the position of judge was still endowed with the prestige inherent in justice. These characters may have looked overfed, they were often riddled with faults, sometimes even ridiculous or eccentric. But for us their professions were still associated with the accepted idea of *homo sapiens*; they symbolised broad-mindedness, justice, aid to the needy. They themselves could be far from perfect, and sometimes we would curse our teachers, doctors and judges. But within us still beats a common human understanding. What's happened exactly? Can our doctors, our teachers, and our judges be worse than they were? Should we give more authority to the intelligentsia or educate people differently?

I HAVE ALREADY SAID that the War could have given the Polish people the opportunity to find themselves. The occupation, to be sure, served to reveal the heroism of the people but also their smallness. The conflict illuminated the heart of man. Society came out of the War bloodstained and traumatised: we were not dead, but we had witnessed the death of others. It was not the rule to be forced to choose between one's own death and that of another; that didn't happen to everybody every day. But everybody knew a neighbour who had been murdered. Every little village had had its share of massacres, massacres followed by silence. It was the work of foreigners, but it took place here. It left a deeply troubled memory and conscience. A Christian conscience, and disturbed at the thought that the laws of morality and mercy could be flouted in this way.

For of course everyone knew during those years that he slept next door to a torture chamber and that heaven was silent. Right after the War, these experiences began to be recalled in literature; it was the voice of the Polish intelligentsia first making itself heard after the night. Then silence again, by tacit agreement; the subject was in disrepute; the war meant the army, the underground, and the fight with the enemy. Only small printings were made of books about "The Age of Crematoriums."

I do not bring this up casually: I am giving an indication of how the intelligentsia was reduced to silence. Any subject relating to ethics in its aspect of universal truth is suppressed by the system because it likes only what is functional—the catechism instead of the Gospel. The machine does not like the complications raised by intellectuals; it does not tolerate questions that are not on the agenda, spontaneous questions from the floor. Questions must be addressed to the presidium in writing, and preferably before the meeting. In this way the intelligentsia is deprived of its habitual way of life; open discussion, public exchange of ideas, the fight for social conscience and its own dignity. It cannot express its genuine thoughts on the problems of the people, the country, and the world. The Poles and the Russians, the Poles and the Jews, the Poles and the West, recent Polish history, the problem of the nation's destiny—as many subjects that once used to make up the tradition of thought of our intelligentsia and that are prohibited today. Nothing is left but journalistic talk on the Role of the Contemporary Intellectual in the Construction of the Socialist World, but these parodies of true discussion deal with everything except what is of interest to everybody. There is no other choice than solitude or a second life in the realm of appearances. You want to know how such an existence is possible? Well, then, one lives oneself out as a superfluous being in the Organised Lie.

ONE MIGHT ASK how an intelligent man in Poland *should* live today. He must work at his profession. There surely are circles in society where responsibilities are a function of talent and experience, and in each profession there must be a meeting place between strictly professional issues and the interests of society as a whole. Every intelligent man in Poland who wishes to practise his profession in accordance with these interests encounters in his path a politico-administrative structure. If, for example, he is a professor of history, he must stick to the official interpretation of events and ignore the most recent facts in the history of the country. In the high school and at the university he had already run up against the operation of this same structure—that is the circle in which he moves.

Should he want to extricate himself, he could do it only at the cost of an enormous effort. He finds the ubiquitous rigidity often comic in that it contradicts the whole environment. He has to be afraid of principles, because everything he knows, observes, or imagines propels him toward compromise and

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resignation. He knows whom he is measuring himself against, he knows that he is a loser, having seen how others have lost. He is therefore besieged from outside and conquered from within at the same time; he thinks against himself, marked with the seal of defeat, which has kept up with him at every step. Should he refuse to be resigned, not only will he ruin his career, but he will fall into a void. And nobody can tell ahead of time the strength of his resistance to a void—can say if he is able to withstand it. That is an annihilating thought; it sends one back into the unknown, the life which it promises is as if disembodied.

The intelligent man who shrinks from this unknown becomes a *practical* man. He can then choose among a few varieties of *practical* life. He can also stuff his ears and shut himself up in his specialty. He can even show his inner revolt by some slight gesture. If he belongs to the chosen caste, he can haul himself up into the position of a favourite while maintaining his extraterritoriality. Everything depends on his cleverness and the area in which he works. In any event, from then on he will be taken in, and after a time will be awarded a prize or a medal—you must imagine here the decorations put on horses in the stable. He will be "functional." If, however, he rejects compromise, he will find himself face to face with a powerful adversary.

I don't mean that, forgive me, I am putting it badly: his antagonist has more than one face; it is the mass of society.

TO FOLLOW UP my statement on the intelligentsia, I should like to connect up with question twenty-four of the survey:

> *Define the social differences in your country. Is there a privileged class? What are its characteristics and the reasons for its privileges?*

I am quite incapable of producing a sociological analysis of the class structure which stratifies the population of my country. I find it a good deal easier to answer the second part of the question. A privileged class there most certainly is; it is found, first of all, in the politico-administrative machine and its various off-shoots. That is the dividing line. The nature of their privileges? All the advantages that derive from unlimited power, for instance: impunity, the right to use violence, the power to interfere in all spheres of life, personal immunity guaranteed by the hierarchy.

Between this group and the rest of the population, it happens that some links develop through a sort of osmosis. Dependency does not always exclude interpenetration. I have often noticed it in my own area, the theatre. But at the same time there remains a psychological gap, felt by both sides. The people, which form the majority, realise that their vital interests do not constitute for the ruling apparatus any absolute guide to action; they know they are subordinate to the interests of power.

The machine knows it, too: society provides the raw materials of its activities and it could not do without it, but the true life of the machine is the inner workings of the hierarchy. And the activity of the organisation is only a means to which the game of the struggle for power gives meaning.

The two sides are aware of this; each regards the presence of the other as a necessity which it must reckon with; each adopts toward the other tactics based on deceit and evasion. Society has learned to keep quiet; the machine knows that it must talk about something else.

The truth is like a secret known to everyone: falsification is a shared reality. When there is a shortage of goods in the shops, the citizen understands that he cannot ask for explanations from authority; it isn't worth it. Authority works on the same assumption—that it is not worth it: not worth giving the citizen reasons for the inadequate supply, because they are too complicated or too incriminating; more often than not they reveal the political dependence of the state. The upshot is that authority talks about folk dancing and the rate of industrial growth.

The machine suffers from both a superiority and an inferiority complex. It is the ruling caste who have at hand the verified information about the state's dependency. They know best to what necessities they must yield. These are state secrets, and by comparison complaints from consumers seem childish. In their eyes criticism is always irresponsible and never proves anything except the ignorance of the person who utters it. Real reasons cannot be disclosed; they form the substance of an hermetically sealed knowledge, they constitute a code in the service of authority. Officials live in the shadow of their superiors; they carry on their gamble in an increasingly rarefied atmosphere, it is their life, their passion, while down below society continues to live and to bustle about.

STILL, CRITICISM coming from below is an offence in that it touches them on the sore spot of their inferiority complex. The administration is aware of

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not being the product of an election and knows that its existence is only guaranteed from outside. Not only does the administration know this, but it also knows that society is aware of it. This shared awareness puts salt on the wound.

The machine is on the defensive, it never stops denying its mistakes, its abuses, and its absurdities, but it must also produce proofs of its authenticity, of its ties with the country—hence, the folk dancing. This contrived effort at authenticity only aggravates the lie. If the people were kept informed of the reasons for the shortages in the stores, it would be a genuine moment in the relationship between the government and its citizens. Folk dances are beautiful, but when they are made to take the place of information they give rise to fury.

This is how the shortage of information led to an anecdote on shortages of goods: "We send clay pigeons to Hungary; in exchange we receive eggs. We send the eggs to Czechoslovakia and in exchange we receive chickens. We sell the chickens in Bulgaria in exchange for chicken-liver pâté. We export this pâté to the Soviet Union, which sends us back clay pigeons."

IT IS A SANCTIFIED PRINCIPLE to suppress the truth. There was a time when it surprised me. I did not think that anyone could be so simple-minded or so shameless as to think that society accepted at face value all this counterfeit news whose only function is to conceal the real facts. What's the use, since everybody ends up finding out about them anyway? Why not make public the circumstances of the massacre of the Polish officers at Katyn when there is not a single Pole, starting with the party members holding the highest posts, who does not know that they were shot by officers of the NKVD?

By the same token, I could not understand why nothing was said of the reasons for the short supplies, since those who wait in line would be less irritated if it were explained to them why they get bad quality meat. Yet no information is given about the reasons or even about the fact that such problems exist; and you can be sure that if this is the case it is not by accident or lack of awareness. If there is anything that is deliberate and knowingly and consistently protected it is the principle of not dealing with the truth. One might think that this was a silly mistake for the machine to make. When, for example, a cheap item disappears from the stores, one can be sure that it will reappear a week later relabelled and at a higher price. In the streets they say that such products have been "rebaptised", and they complain; but the newspapers publish joyful news about the novelty and beauty of the packaging. . . .

IT SEEMS IMPOSSIBLE to follow a more absurd policy. Or so I thought for a long time, but there is no doubt that I was wrong. There is nothing stupid about it at all. From the point of view of those who govern it is not stupid. What has no name is always less dangerous than what has one, because it is words that convert facts into social forces. The Eastern bureaucracies have always known this. They know that to call something by its real name amounts to giving it life. Experienced criminals also know this: they never admit to being guilty unless they are caught red-handed—otherwise they stubbornly deny everything. The power machine is caught red-handed every day, and every day shamelessly denies it. The analogy is instructive: criminals and politicians do not belong to the same class, yet it remains true to say that their methods are related.

ONLY TO US does telling the truth look like the best method. We fail to appreciate the magic that consists in changing the facts, in calling black "white" in front of millions of people who know how to tell one colour from another. We joke about this vulgar magic, but we ourselves are its victims and it makes us impotent. The reason is our silence. For in one way or another we are silent, we do not open our mouths to say publicly what we know and think, and what *they themselves* know. And does not this mean that *they* have achieved their goal? We can boast about perceptiveness and congratulate ourselves on not being asses—no, you see, we didn't get taken in. But neither can we bray or kick: we have fallen under the curse, we have the heads of asses. As to our daily behaviour, it is—oh, so reasonable.

IT IS reasonable, because rights, ethical feeling, collective and individual, as well as the principles of life and thought based on the notion that the human community has value—all have given way to the *practicality* of the governors and the governed.

The new power does not respect the laws that limit it, and society responds in the same way. There are no brakes in that area and it would be a serious mistake to think that the Poles of today are

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a religious nation. Practicality is the soul of both public and private affairs: to live means to act efficiently, that is, to attain one's goals. These are society's criteria and they are almost universal. Why? Because—tell me where any others are to be found? It is a vicious circle; the actions of the state toward society and of society toward the state take place outside the law—it is all the same thing whether one goes from top to bottom or from bottom to top. And if in spite of these conditions, in spite of everything, material progress for the masses is achieved, it is again the price of new perversions in the modes of thought. Such is approximately the environment available to an intelligent Pole today. Obviously I give here nothing more than a rough, incomplete outline.

I AM SUDDENLY REMINDED of a funeral. It was a funeral without priests, with a distinguished attendance and medals on a cushion. I do not remember the season; it was probably toward the end of autumn or early winter. Anyhow, it was neither very warm nor very cold.

Truth to tell, this funeral was almost indistinguishable from other ordinary funerals held at state expense. Perhaps there were a few more people. I had gone with my daughter and we met Icz along the cemetery walk. Mewa was still in high school; she had asked me to take her because the deceased had read his verses at her school one evening, and she remembered them.

I also recall that Icz, who was beside us, had whispered something that irritated me. I think it was about the end of the "Era of Pathos", or something like that. He would not let me go and kept repeating endlessly that there was in it something extremely interesting. I did not understand what he meant, and try as I might to pay attention to the ceremony, I kept seeing the same bare heads, the same faces. His rhetoric had always got on my nerves. Later he accosted me in the streetcar and explained to me what he really had in mind. It was that the death of the deceased—whom he called by his nickname—had brought to a close the era when Revolution harked back to a romantic past—he termed it "the appeal to blood and to ideas", and from that moment the intelligentsia had ceased to be necessary. For what had drawn the intelligentsia into the Revolution, the ethical and social slogans, the abolition of exploitation and injustice—all that could almost be considered accomplished, so that in the years ahead we would enter a new phase which Icz described as that of peasant utilitarianism. In the future, the intelligentsia would become an expropriated class, it would have to pay for its revolutionary programmes, for its ideas and its theories—for its ideology. He did mention Marx, Freud, and Einstein; he referred to them as the founders of the 20th century, "three Jews who deprived humanity of God." Those are the very words he used, if I remember correctly, and I think I do remember correctly.

THE POINT ISN'T what Icz said, anyway. What is important is that I did not try to advance a single one of my ideas against what he was saying. I sensed Mewa's penetrating gaze on me, as if she was amused or surprised that I did not start a debate; but really I had not the slightest urge to do so. Later, in the restaurant, I ate a piece of meat and watched the people sitting around. I should at least have smiled at my daughter, since I did not want to talk, and I could also have got rid of Icz with a pun or a shrug of the shoulders. Instead of that, nothing. I did not utter a word!

And once again, the important thing is not what Icz said, but my reaction, which provides much food for thought. Of course, I couldn't account for it at once or the next day; but with the passage of time I can offer a conjecture: namely, unconsciously I thought that Icz was right and at the same time I regarded his words as off the point. Icz was expounding a theory of reality, and probably he was not mistaken in his views. If that had been all, it should have been easy to agree. And yet I was on the defensive. In keeping silent I was saying no, once and for all, to what was challenging me from outside in the guise of a truth that claimed to include me and to define me without caring what its psychological meaning might be for me. I did not, therefore, care to find out if it confirmed my inner truth or if it reduced it to nothingness.

IN SHORT: I had had enough. I already felt tired of this tension between myself and the age, between myself and the facts and their various interpretations. I was even becoming indifferent to everything that was solidly based on history, all that was capable of convincing me intellectually, and which had its justification if not in me, at least in its relationship to me. That was my moment of refusal, or breaking off. Of course, it had been coming over me for a long time, but on that day—and it is only now that I fully realise it—it was final. As you know, such moments can be very important without its showing immediately on the outside.

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AS I JUST TOLD YOU: refusal or breaking off. I want to make sure that you don't misunderstand me. It was not a break on my side. Only a dreamer could see the victory of the Allies as the victory of ideas over brute force. The actual victory was one of logistics, the supply of fuel, the production of machines. But everyone felt the need of a reality defined in different terms, and everyone was ready to adapt to new principles of life in common. This need arose from the fact that everyone's consciousness had been disoriented, that after the War no one could consider himself innocent, that everyone had lost all sense of his individual importance. Everyone expected that the law coming from outside would take the form of a general code.

I am speaking of myself, as well; I, too, was ready to adapt to it, and I accepted the possibility of personal failure as the price of a new order. But I quickly saw my mistake. There was no common ground between my attitude toward reality and reality itself; nothing then being done needed my advice, my desire, my beliefs. I eventually came to the conclusion that it would be just that kind of system which would become the new principle of social life and would take the place of the one we were expecting. Thus, it was not I who broke with reality. It would be closer to the truth to say that reality broke with me.

It was imperative to draw the consequences of all this, and I drew them. I was sure when I bought the daily papers that none of their articles could jibe with my way of thinking, and that none of them were conceived in order to urge me to take any individual action. It was as if the writers were addressing themselves above my head to powers whose point of view they knew in advance. All that was left for me to do was to accept this collective machinery which took the place of thought and action. Every article confirmed my suspicion that the paper was not written for me or for anyone else, and that it performed no useful function except among the hierarchical powers.

I SURPRISED MYSELF one day by finding that I was only reading the obituaries. That someone had just died comforted me by the objectivity of the report; it was the only place where life came through.

The obituary columns were free of editorial comments, consisting only of brief biographical particulars from which it would emerge, for example, that a certain individual had been an officer in 1939 or had been a victim, along with his wife, of an automobile accident. This information did not emanate from the newspaper staff, but from private individuals—parents, children, or friends. The objectivity of this conventional form proved indescribably fascinating to me. It brought with it something original, an originality which took me some time to understand. The something was uniqueness. The obituaries avoided the anonymous collective style which was the rule in the other articles, about work in the coal mines, the population of the capital, and the plans of architects. Those other articles would maintain the illusion that the only *person* in society was the state.

One day I learned the new word *nomenclature*, as used in our administration: it designates those officials who are permitted to shed their anonymity and to be quoted in the news. Still, it is always in a personal way, in a limited edition of one copy, that one dies. An obituary can be a story: it has a hero, and that is how a first name and a last name, when framed in a black border, manage to escape censorship.

YOU THINK that my talk is full of exaggerations. Believe me, I, too, tried to reason that way with myself. But it is not in the guise of an embittered individualist that I am most comfortable. I said to myself: they are building houses for the workers, they are introducing free education and social security, the children of the peasants are learning to read, poverty is disappearing, nobody starves any more. But all my efforts toward objectivity ended in a desire to know why the reforms undertaken in the interests of the workers necessarily excluded their right to a critical judgment, why the reforms were to be undertaken for them, why they could not be undertaken by them. . . .

TO TELL THE TRUTH, that's the question with which every discussion should begin, whether it is about productivity, about education, or about the development of culture. But in Poland today no one can bring up such a question in public. It is an intellectual's question which brings one back to the theology of progress, and every man whose thought makes use of social categories must ask it of himself; it is the most revolutionary question that can be asked within a statist system. "It makes no sense", someone once said, "to draw a line through everything for the sake of the idea of equality." As for me, I wonder if equality, liberty, and justice can differ to that extent.

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While I fully realise the differences that exist, I think that this set of problems is not altogether dissimilar from those of the mass societies in your part of the world. Don't you agree that today's crises and changes in values, in the Communist as well as in the capitalist world, come from an inherent flaw in their philosophical bases? If we were to ponder the nature of these two great visions of social management, perhaps we would come to see them both as utopian; that is, both the system which regulates distribution according to work and needs, and the system which relies on the game of conflicting individual interests. I sometimes think that neither Smith nor Marx, with their confidence in progress and in man's creative potential, foresaw the self-destructive elements implied in them. Again, the French in 1789, when they proclaimed in a single breath their slogan, "Liberty, Equality, Fraternity", did not know that they were converting humanism into an obsession equivalent to perpetual motion in physics. From the viewpoint of the devil, Hitlerism was even simpler: in counting upon stupidity, cruelty, and fear, it was postulating from the outset the existence of destructive forces. And it liberated them first, in order later to govern with them.

Perhaps both of us, you and I, are the sons of utopia—very different from one another, certainly, but our anxiety is the same.

THIS MORNING a stranger whose name I did not catch telephone me. It ended in *-owski* or *-ewski*. He spoke Polish and suggested that we meet. He said that he had heard on television of my arrival at the conference. During the sessions, the networks held short interviews with some of the members, myself included. When I asked him what he wanted to talk with me about, he said: "Ancient history—the War." And he added: "I was a member of 'Rondo.'" He said he had tried to get in touch with me several times but had not been able to reach me at the hotel. Tomorrow morning he will wait for me at the Iorgenshouve bar. I hope that I am not in for a kidnapping.

I spoke to you yesterday about what took place in Poland in March 1968 and afterward. The facts were fully reported and discussed in the West. You must have heard about them. It was at that time, you remember, that Czechoslovakia was experiencing its miracle, the Prague Spring—a miracle brutally cut short in August of the same year by the invasion of three armies, Russian, Polish, and East German. After the student arrests in Warsaw came the trial of the Prague intellectuals. In December 1970 the workers went on strike along the shores of the Baltic. Fights with the police and the army left many dead and wounded. The year 1971 saw the beginning of a new policy: the peasants were no longer forced to deliver, the price of staple goods was frozen, important commercial treaties were concluded with the West, and the construction of housing was accelerated. Wages were increased, the Polski Fiat went into production, and savings accounts rose every month. The number of tourists in Poland increased, as did the number of Polish travellers abroad. As I said, that was Poland's economic miracle, or, to put it more modestly, the reforms our people awaited.

BUT, YOU WILL RECALL, when I spoke about the emancipation of the peasants I mentioned the difficulties that had long stood in the way of this inevitable reform. It is not easy to compare the Russian reforms of 1850 with those made in Poland in 1970. Still, the "price" we paid for ours can roughly be assessed: arrests, convictions, heavy dismissals, the wave of emigration, the massacres of striking workers in the Baltic towns. The total cost is yet to be computed.

The reinstatement of nationalist slogans and anti-Semitism in the press should be added to the list. In a country where the Germans exterminated three million Jews during the War, those who escaped the gas chambers learned from the newspapers that they were now foreigners in the land. Those were the words used in government circles; they did not have great social repercussions but they enabled certain people in the administration to snatch at swift advancement. Of the ideology there remained only the hackneyed language of the machine, in which expressions like "Service to the Nation" and "Loyalty to the Working Class" both mean an attitude of complete submission to those in power. The model of the perfectly submissive man is becoming more and more common. His sins are forgiven because of his virtue, which lies in not thinking. This type of man has a long history which is described in the textbooks.

You agree that the history of every nation has its periods of light and periods of shade. We have paid and continue to pay for a Poland silly and benighted; the Americans in 1963, when President Kennedy was assassinated, paid for a country silly and benighted, and are still paying for it. The ghosts in a seance come and go; the ghosts of history are more persistent.

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THE CHANGES that took place in Poland after 1945 have been spoken of as the "gentle revolution." Gentle it certainly wasn't for everybody. But it did have the dimensions of a revolution. It came from outside, from Russia, and it remodelled the social structure of the country. Had it been allowed to draw upon the vital forces of the country, I think that a socialist Polish régime founded on rights could have been created. I repeat: had it been allowed. Optimists kept this hope alive for a long while, and in spite of everything the month of October 1956 reinforced that hope.

Yet ten years after October I saw these same men psychologically broken. Only the cynics still spoke of ideology. In the land, illegality already infected everything. That condition lasted several years. When it became impossible to delay making changes, a few puppets were taken out of the cupboard and the lights were dimmed. The farce was performed in the dark. That was in 1968, after the students' month of March.

When the Baltic towns erupted thirty months later and there began to be talk of "Renovation", hope returned to many of those I am talking about. That was after the workers' December, during the first few months of 1971. At that time the pessimists were afraid of two things: first, that any change in the political-economic line would not be enough to get rid of the lawlessness of public life; second, that the reforms, even on a strictly material level, would be obstructed by the administrative machine, which remained unchanged. These fears found expression in a joke of the time.

"Johnny, do you see those sparrows on the branch?"

"Yes, Pete, I see they've come right back, but every one of them on another branch."

"Ah, but of course, Johnny, that's what they call Renovation."

WHEN I CAME BACK from Oslo and the customs inspector cut my soap in half, I must already have been suspect. Of what I did not know: perhaps of being a political courier for my daughter, who had taken part in the student strike. After a while I realised that I was suspect in a much wider sense. I belonged to the *suspect category*—people who were aware of the extent of the evil at the very heart of public life. They had raised our wages but not restored confidence in our rights; they had built housing blocks, but not recreated the psychological link between man and his work.

I belong to the group of people suspected of wanting to inspect the workings of the system and discover its weaknesses. That is inexcusable, because—as I told you—the function of the system is to reproduce itself; its job is to maintain its illegalities. Since I was suspected of an urge to show the superiority of truth over error, they deprived me of my post as lecturer at the university, and after a month of Renovation—transferred me to an office in a silent building, far from my students. If you are interested in seeing into the mind and behaviour of such a suspect and in gauging what threats surround him, I shall try to enlighten you—not for my own satisfaction, but because it will help me to fill out what I have touched on in answering certain questions in the survey.

WHILE I DO THAT, I shall return to question twenty-five:

Is criticism of the government and of public institutions possible in your country? In what way may it be expressed? In what position does it place the person who criticises?

In Poland, the right to criticise the government is included in the Constitution. But in practice, any impulse of this kind can result in losing one's job or in harassment. Criticism therefore remains unspoken or is disguised. In general, it is expressed by a certain manner of living which I described as a refusal to remain merely functional. And I will say it again, the person who decides to follow such a course becomes suspect in the eyes of power. He must therefore take the consequences of his decision. These can be many, good and bad. He feels unwelcome among the mass—a mass which seems to him increasingly stupefied and dull; but as he appears among them precisely as a suspect, that very fact makes him stand out from the uniform dullness. Being suspected of thinking for himself, the suspicion comforts his inner self, gives him the feeling of living in a way that is both worthy of remark and personal to him.

One could almost say that to be suspect does him good, that he finds in it a kind of grace. It is because he is separated from the mass that he begins to dwell in a reality richer in meaning, devoid of ready-made responses such as are manufactured for the mass: a reality which has, instead of answers, questions: the important questions, the eternal ones about such things as liberty, truth, God, and death. Such a life is less organised than the sphere of political intrigue; one has less right to protection than when one belongs to the

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"nomenclature." Yet, the experiences one finds in it are more interesting, even though they go with certain kinds of danger, to which I will return.

I SHOULD LIKE AT THIS POINT to inject a word of caution. From what I have just said you could get the impression that in my view the suspected person retreats into his shell and is isolated from the outside world. That is not at all my notion. In my view, he has a much clearer and more truthful perception of the outside world than the person poisoned by television and the press. He reads with greater insight and listens more acutely. The key that has been given him enables him to decipher the government's language. He answers suspicion with suspicion. To protect himself against made-up truths or half-truths, he doesn't need to go in search of the philosopher's stone; he looks for fuller information. He seeks out other sources—and these are always available—and that is how he eludes the grip of the official story. All this is within reach of everyone; only, you see, not everyone wants to take the consequences; only a few want to think.

If you ask me what such a man thinks, well, a man under a cloud begins to see more clearly. Provided he is endowed with a good memory, and is well-informed and does not give in to the propaganda machine or allow the system to reduce him to silence, he sees a world of constant threats. He expects every minute that somewhere in the world something is going on counter to reason. He expects that nobody can fight the régime when it scorns the law and declares there is a world-wide plot fomented by—let me see—all the redheads. He expects that when people hear this accusation on the news, even if they don't believe it, they will get the idea just the same that it is not a good idea to defend redheads.

SUCH A MAN feels he is the object of ever-increasing suspicion, while to him it is the world that becomes more and more suspect. So here we are again: such a lucid and clean-cut perception of reality inevitably leads him to the point where he must reorganise this reality within himself. Otherwise life becomes unbearable. Anyhow, he cannot help asking himself several elementary questions. I tried to answer them myself in addressing myself to yours. Now I should like to talk about the worst of the dangers that I mentioned to you: the danger of becoming naive once again.

I DON'T KNOW if you realise what it means to think in a society that has long since lost the habit. In this connection, conspiring has not proved to be the best of schools. In the years after the underground, a person who wanted to think had first to plan how he could ensure his own protection. He would exhaust himself in trying to stand upright after his dialectical somersaults and struggles with ideology.

That was the era of chaos and weariness. Everywhere, there was nothing but bankruptcy and ideological revisionism. The West had nothing to offer except its slogan about "the End of Ideology" and a literature of Despair or the Absurd. In a cabaret, some students put on a show with the ironic title of *Thinking Has a Colossal Future*, and a few French plays were also being performed in which the characters expressed themselves in gastric rumblings. A few years later, our man (the suspect) noticed that he was living in a world whose language had become incomprehensible to him.

He would sit in front of his television to watch, stupefied, the pictures come and go. What—just then—was he thinking about? About the very things which used to torture him a a schoolboy writing his diary. What is man? Does God exist? Does death mean the end, and how ought one to live? These are actually an adolescent's questions; if you ask them, the fear of being laughed at is well justified. Dare we ask them in a civilisation where research by specialists has replaced philosophy? Our world, which is interested in technology, in genetics, and in the structure of language, has grown humble in the face of the universal problems; it has set itself narrower, better defined goals. In such a world, to go deep within oneself and ponder the secrets of Being, without electronic microscopes, without laboratories or accelerators—that can only be the quirk of a thinker from the provinces seeking a proof of the existence of God. Yet sometimes there is nothing else to do. When choosing a way of life, only naive questions remain, because in such a world all questions with an ethical content appear to be naive.

BE THAT AS IT MAY, the man suspected of wanting to think has more leisure to ask such questions. In a sense, it is his thirteenth month's pay. And everything depends on the way he is going to spend it. In general, those who have been disappointed by the outcome of revolutionary utopias run the risk of making a 180-degree turn; that is, of rejecting everything implied by Revolution.

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But to reject Revolution as too brutal a method of changing social life is not without consequences. I know intelligent and honourable people who moved away from Marxism, or from having an interest in Marxism, to opinions belonging to the traditional, conservative right. They were swept into it by one crisis, one shock after another, they tore off their old skin and ended up no longer able to understand the present-day world. The revolutionary movements in Asia and Latin America, as well as the tendencies of the new Left in Western Europe, all of that is something inconceivable to them, suicidal. To them revolution heralds the slavery that is to come. They are beyond understanding that in certain situations revolution can get rid of obstacles to development and become one of the moral forces, while at other times it is up to the moral forces themselves to repair the damage caused by revolution.

And there, too, lies another danger: that those who manage to escape one set of ready-made ideas can be engulfed by another set diametrically opposite. Alas! So it goes—which is not to say that it is inevitable. In short, let us say that he who goes in for thinking for himself travels a road full of pitfalls.

THERE IS YET another danger. The fundamental principle of the system is the solidarity of the entire nation in the establishment of socialism. Everybody works; education, art, and culture are for everybody, apartments and televisions likewise. No distinction is made between the working class and the creative intelligentsia—all share the same goal and work for a People's Poland.

Yet, not everybody wants the same things and people are not all identical. Some work better than others, some like this socialism, others think that true socialism would be the exact opposite. Some have a Leftist view of the world, others lean toward fascism; there are many practising Catholics and many who are indifferent to religion. In addition, there are cynics and careerists who don't give a damn about anything. There are also those who desire real betterment.

In a word, there are social traditions which can be said to perpetuate the characteristic features and the social forces of pre-War Poland. One can still recognise the attitudes and ways of thought of, for example, the Christian Democrats or the Social Democrats, the Communists or the Conservatives, and one can determine roughly who, before the War, sympathised with the peasant Left or with the extreme Right, and who was liable to collaborate with any régime whatever.

But all this goes on under a bushel; it is compressed and levelled by the steamroller of the system. Everything is flattened, reduced to one dimension; no individual opinions may be heard, there is but one political programme. Some turn out to be in accord with this state of affairs, others take part in it openly, with more or less enthusiasm. But there are others still, those I am talking about here, who cannot accept it, who do not want it. This does not mean that they share a common point of view or have similar preferences. No, they differ. But they find themselves in the position of suspects who, rather than devour one another, must emphasise what unites them. In practice, that tends to minimise differences and bring about false alliances.

I see in that yet another threat of non-genuineness. Suppressing differences leads to stifling contradictions artificially, which in turn blunts the sharpness of thought. Those who have escaped the trap of the system shackle themselves within a new trap, where they may also come to be stifled. The Conservative will suffocate beside the Liberal, the Catholic beside the Socialist: they fail to expose their ideological conflicts in the light of day, they bathe in forced solidarity, create the semblance of mutual agreement, and condemn any of their number who try to avoid pretence. It is only one step from this to accusations of treason and provocation. And even if this step is not taken, there is always the risk that one will mute one's own truths and principles, and give up fighting, which is a natural urge, for the triumph of one's ideas.

Such is the price we pay for the lack of a public life; culture pays it with psychic maladies and with a certain lag in general intelligence. How can one overcome this? I have no answer—which does not mean that no answer exists.

THE FOURTH DANGER that a person who dissociates himself from the mass must confront is that he will become suspect to it. He will be suspect in the eyes of the mass because the mass wants to have food, clothing, and an automobile, to be entertained with films and songs. The average fellow prefers good eating and entertainment to thought. Thought represents an effort; it means anxiety and risk. The mass is made up of millions whose heritage is the memory of poverty, war, and fear. The present level of development—the

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satisfaction of material and cultural needs, the feeling of physical security—has bred in them an entirely new sense of property. This is an acquisition definitely theirs and which they do not want to lose. So they are afraid to express doubts or to ask questions that would jeopardise their newly won status as owners.

The mass, today, does not like abstract ideas. When one speaks of freedom or justice, they listen only with reluctance. Those are threatening words, they interrupt the humdrum of daily life, and the consequences they entail are unforeseeable. Nor do the masses like to hear talk about moral courage, because they see it as an expense beyond their means and which could ruin them. He who thinks independently of the mass should remember this; it is the most painful danger he can expect to risk. It is a professional risk, a risk associated with his calling. The people have turned to stone not only the witches, but also the philosophers, the teachers, and the doctors.

Today they are given to understand that their role is over. They are told, more or less to their face, you have ceased to be the conscious part of the nation; be satisfied with exercising your profession and obeying. The intelligentsia is allowed to work at making discoveries, but within the confines of specialties. To reinstate the historical tradition of that socio-cultural class would be an anachronism: problems and scruples, opposition and protest—all that, for the machinery of power, is nothing more than kindergarten play. I am not the originator of that expression; it has been used of those who have the time to think as individuals. Yet in spite of everything such people exist and multiply. It is what is called today the reproduction of the élite and what it means in fact is the birth among the younger generations of a type of man who is against mass existence and who thinks for himself. The existence and the rebirth of this type of individual is certainly the most unexpected of Polish miracles.

THAT'S THAT: what next? You notice that I've avoided saying "the intelligentsia", because, as I've already mentioned, I am not sure of its present meaning. Yet all the while I have in mind a certain type of man whom one formerly regarded as belonging to the intelligentsia.

I MAY BE TELLING YOU about my own situation here, but you must not think it applies only to an isolated case; it applies rather to a small number of men who are more perceptive than others. I said that I did not feel I had the strength to set out guidelines and even less to propose a plan of action. I am barely able to anticipate the future, to express theories, wishes, hopes. That's all, and it isn't much.

The Stairway

Find where it leads, this stairway, steps worn thin,
Precarious, a ladder, not much more,
Pitched sharply up. Open the door.

The dust unsettles. Breathe two centuries
Held here by grey floorboard, grimed whitewashed wall,
Beneath bare roof-tiles. Your footfall

Is my family's. The grubby light
Picks out their artefacts, the rusted rings,
The nuts and bolts, dark iron things

That fastened England. Go down, and leave them here.
Remark again how worn the steps are, thin
With their ghostly trafficking.

John Loveday

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Leon Radzinowicz

Illusions about Crime & Justice

1. The Realities of Crime

MY THEME IS realities and illusions, and let me start boldly with the fundamental realities of crime. There can be no doubt of its inexorable increase in all parts of the world. Certainly the West can claim no exemption. The annual rise in different countries may vary from 4-to-5% to as much as 20%. There may even be an occasional pause for breath, a year in which no increase is apparent or even a slight decline is claimed. Yet the relentless uphill curve continues. This cannot be explained away in terms either of population increase or of augmented police efficiency. It has been too sharp, too persistent, too widespread for that. This is not, of course, to ignore the fact that there is an illusory element even in the best criminal statistics we have. The crime they register is a sombre reality, but it still falls far short of the whole truth. The expression "the dark figure of crime" has become a commonplace amongst criminologists everywhere. I would estimate that, when a broad view is taken of the totality of crime actually committed, no more than 15% of it actually comes into the open and is followed by the appropriate penal sanctions.

Nevertheless, the statistics are sufficient to give us clear notice of the direction in which crime is moving. And though this is most clearly signalised in the countries which have always kept the best criminal statistics and been prepared to make them public, is certainly going on elsewhere as well: in the vast areas of the Third World, and even in states which have adopted new social régimes. I am often asked whether Communist China is not an exception to all this—a question the more intriguing because it is virtually unanswerable. How do you measure trends in crime in a country which has always been reluctant to define offences, let alone count them, has always preferred to rely, where possible, on the informal control of public censure rather than the formal processes of criminal justice? Certainly travellers in China, as well as neighbouring Asian intellectuals, have been impressed by the standards of honesty to be found there. But from time to time there is evidence of a darker side. And how far can China (any more than capitalistic Japan and comfortable

SOME TIME *ago Sir Leon Radzinowicz, the distinguished Professor of Criminology at Cambridge University, was invited to return to his native land to attend a "Congress of Scholars of Polish Origin." He agreed, and prepared a paper to be presented in English and Polish. Its opening paragraphs were:*

"This is a truly moving moment in my life. I was born in Poland, though I have reached the stage where I prefer not to give the date too much publicity. I went to school here. I took the degree of Doctor of Laws at the University of Cracow. For a period I taught as an Assistant Professor at the Free University of Warsaw and at the Penitentiary School of the Department of Justice. If I may refer to the sins of my youth, I published books and articles in Polish. But life takes strange and unforeseen turns, so that the bulk of my later education and professional career has been spent abroad, especially in England, which has become my adopted country. Yet whilst I have been moving freely around the world I have still cherished my links with Poland.

"This, therefore, would, under any circumstances, have been a very significant occasion for me. What makes it especially moving is revealed by the crude statistics of the situation. It is just over forty years since I last found myself here. So much has changed in that time, in Poland, and in the world at large. And, if I may be personal, so much has changed in myself and in my own life. You will not be surprised that my two children, Ann and William, both born and brought up in England, have eagerly joined me in what is a voyage of discovery for them, of rediscovery for me. . . ."

But there were difficulties. The translation was delayed. Letters and telegrams were exchanged. The paper was given in English, but the promises to publish it in Polish came to naught. We publish it, as Sir Leon suggests, as yet another example of "illusion and reality."

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Switzerland, which can still claim exemption from the world-wide trends)—how far can China hope to maintain what immunity she has as she moves into industrialisation and communication with the wider world?

IN THE WEST what has been particularly disappointing in all this is the fact that the expansion of crime has followed the expansion of prosperity, the extension of educational and welfare provisions. I wonder whether those in the socialist countries share a similar disappointment that ideological changes have not brought a more complete response? And in the Third World there is the bitter experience that the very processes of development seem to foster crime of all kinds.

Moreover, hopes cherished, earlier in this century, that the advance of civilisation would at least reduce the violence of crime, even though it might foster the growth of fraud, have also been sadly disappointed. We are just getting more of both. There has been much talk of devoting more resources and effort to the care and reformation of young delinquents; yet in many countries juvenile crime has been rising even faster than that of adults. Likewise there has been much discussion, and some experiment, in better ways of treating recidivists, without any evidence that recidivism is declining. The advance of women in many countries towards greater equality with men in their social and economic status, has brought signs of advances also towards greater equality in crime, Paradoxically, some of our attempts to achieve greater humanity and justice seem to have played a part also in fostering the extension of criminality.

The one benefit I would claim from all this sorry tale is that there are signs that at last we are becoming more realistic in our views of crime. While we still cherished optimistic illusions that it was going to decline, there was a good deal of evasiveness, even hypocrisy, about its extent and its trends. Now that these can no longer be concealed a greater frankness is coming into our discussions of it.

Like Proteus, the Old Man of the Sea, crime seems to elude the coercive and reformatory hand. At one moment it recoils, but only evasively for a fresh surge forward. At another it assumes subtle changes of shape and proportion, sometimes because society itself postulates new offences or breeds new opportunities for evading its laws, or simply because the act of crime is ever evolving new *modi operandi*. But it still abides, a constant symptom in all societies, whatever their racial, national, social, moral or economic conditions.

2. Fallacies in the Explanation of Crime

ATTEMPTS TO FIND EXPLANATIONS of crime and its increase have fostered many illusions; above all the search for a single comprehensive theory to account for the whole. Even what is probably the most powerful theory of them all—the Marxist—could not do that. Though Marx himself evolved no doctrine on criminality, Engels was concerned with it; and W. A. Bonger, the great Dutch criminologist between the two World Wars, developed a full-blown thesis on Marxist principles. To him all kinds of crime, in all classes of society, could be traced back to the distorting, egotistical impact of Capitalism upon human nature and the human condition and outlook. Get rid of Capitalism and crime would wither. The doctrine has, of course, been taken further and elaborated since then by criminologists with a sociological and Marxist bent in many parts of the world.

It would be sheer nonsense to deny or underestimate the validity of the powerful impact of the Marxist interpretation of crime in capitalist societies. Yet it is essential to add three qualifications.

First, in this matter the schism between criminologists in the capitalist and the socialist countries is not as wide as might appear at first sight. Many of the observations and criticisms of the capitalist system put forward by Bonger and his successors have been made, both before and since, by criminologists in the Western world, particularly in the United States. At the end of the 19th century there were already condemnations of what have since come to be known as "white collar crimes" and the "crimes of corporations"—the exploitation of the powers and skills of the wealthy and privileged to cheat and rob the community at large. There have been investigations of the effects upon crime of depressions, of urbanisation, of social disorganisation in the slum areas of the great cities, of class inequalities and injustices. All these have been charted—and deplored—by criminologists of capitalist as well as socialist countries.

Second, we are dealing here with two different "models" of society, the capitalist and the socialist. The first has long existed, in various forms and degrees: the final shape of the second is still hazy. If

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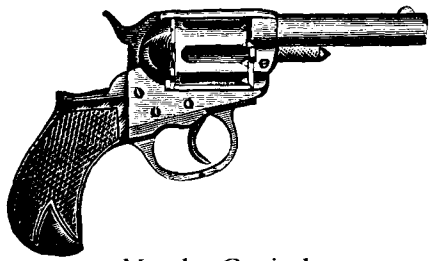

Murder Capital

Los Angeles

GRIM STATISTICS. *The mounting murder toll has made Los Angeles in 1980 the murder capital of America, outstripping New York, Detroit and Chicago.*

The killings have been so numerous that the Los Angeles county coroner recently admitted that there was not enough space to house the mounting corpses.

Killings in Los Angeles are running at about 32% higher than at the same time last year and worried police, who see no signs of them abating, say that by New Year's Eve they expect the death toll to stand at about 1,000. Many of the dead are victims of gang wars between Mexican Americans and black youths. But many more are senseless and random shootings.

Police here say that there is no reason for the increase in violence. But they admit that they do not have the manpower to cope with the rampant lawlessness, which includes rape and burglary.

Ivor Davis
in THE TIMES *(London)*

Age of Anxiety

Washington, D.C.

THE FIGURES *were quite stunning in two recent US studies.*

Among those interviewed in one of the surveys, 34% said they never go out after dark alone, seven out of ten keep their car doors locked while waiting in a car, 82% have someone watch their homes while they are away, and 60% said they "dress plainly" to avoid being noticed by attackers.

The second survey found that the fear of crime, which is greater than the level of crime itself, has led most Americans to favour drastic measures to punish the guilty.

Nearly two in three wanted the police to have more power to question suspects, two in three favoured the death penalty for convicted murderers, one in two favoured the sterilisation of habitual criminals and the insane, nine in 10 urged stiff prison sentences for violent crimes and slightly more than half actually were willing to pay higher taxes for police protection.

Yet far from creating a lobby for outlawing of guns, this fear of crime is increasing the private possession of guns, to the point where it looks ridiculous to any sensible person. Sixty per cent of all married couples in America say they keep a gun in the house.

Fear of crime, one survey said, "is undermining the very roots of American optimism, of goodwill towards one's neighbours. It is forcing individuals into self-protective isolation."

Jeremy Campbell
in the NEW STANDARD *(London)*

Judging the Judges

New York City

SUPREME COURT *Justice Milonas' attack on Mayor Koch for his criticism of N.Y. City's courts for failing to deal effectively with crime is totally at variance with the mood of the people, the experience of the police and the actual records of the disposal of cases.*

Any system in which 86,512 cases are filed in Manhattan Criminal Court and only 164 result in trial verdicts clearly has something radically wrong with it.

So has a city in which crime increases the way it does now in New York City. In the first eight months of this year there were 407,630 felony reports—covering everything from murder to car theft—an increase of 18.7 per cent over last year.

Although 3,226 persons have been arrested since the tough new law came into force three months ago mandating a year in jail for anyone caught with an illegal gun, not one has yet been tried and sentenced.

NEITHER *Mayor Koch nor anyone else needs Justice Milonas' permission to criticize the rampant soft sentencing and turnstile justice that now prevails here. Moreover, the Mayor is the City's chief magistrate.* **He has a duty to criticize.**

A court system which cannot bear public scrutiny is not a system likely to produce true justice. The sole reason why the press also sits in the courts is to see that justice is done—and that means, of late, publicizing the many cases in which the punishment clearly does not fit the crime.

Far too many murderers are getting away with less than five years' jail for manslaughter when they should be put away for 25 years for murder. One judge has even declined to jail a man convicted of manslaughter for stabbing a youth to death on the grounds that prison would produce "no constructive result."

Justice Milonas is the last person who should object to Koch's bid to improve the court system. As the chief administrative judge he is solely responsible for the assignment of judges and the courts' calendar of work. If the judges are not doing their work, he should look to the beam in his own eye.

Bruce Rothwell
in the NEW-YORK POST

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comparisons are to be made, and conclusions drawn, it must be the realities of existing capitalist and socialist societies that are juxtaposed, not the actualities, sometimes painful, of the one, the ideals, only partially fulfilled, of the other.

Third, there is the fact that all explanations of crime are relative, and this applies to economic explanations as well as to others. The criminality of very poor or agricultural societies, for example, has very different roots from the criminality which elsewhere has kept pace with rising urbanisation and affluence.

MANY OTHER TYPES of theory, besides those which take the economic structure as their starting-point, have enjoyed their periods of high fashion. They are too well known to need going into here: Culture conflict, Anomie, Differential association, Labelling, Interactionism, and the rest. They have arisen from observation of particular social situations at particular periods. They have been offered, to varying extents, as over-arching explanations of the genesis or growth of crime. In so far as it has been possible to subject such diffuse conceptions to empirical testing they have failed to sustain their claims to universality. They have been challenged by other theories arising from other sets of observations, in different circumstances or relating to different aspects of social relationships. And although each has left its mark in enlarging our viewpoints and directing our thoughts to another aspect of the complex web of social arrangements and social forces, each has had to surrender any claim to offer a comprehensive explanation of why crime occurs—or why it increases. The very complexity and diversity of social reality has ensured that.

Equally fruitless has been the search for a single personal factor (other than delinquency itself) which might explain why, in any given environment, some people indulge in crime while others do not. Indeed, in certain political and academic circles such studies (very fashionable in the 19th century) have suffered a period of almost total rejection. It was not only that differences in personal dispositions were seen as irrelevant to the broad trends of crime: the power of social forces over the behaviour of individuals was considered so strong as to amount to virtual compulsion. In the words of Gabriel Tarde: *"The individual may bestir himself but it is society that sweeps him along."*

Now we have some rethinking. Empirical research, as well as common experience, shows that individual differences *do* play some part. In the worst social circumstances, as in the best, there are some individuals who are drawn into crime, some who resist it. To quote *Socialist Criminology,* the latest treatise on the subject to emerge from East Germany, the individual disposition is to be regarded as "an independent variable amongst the complex causes of crime." From such a source, that is a significant concession.

To understand crime and criminals we must look at the interaction of individual and society, not at one or the other alone. And again, in doing so, we shall find a complexity which defies any single or sweeping explanations.

3. Failed Penal Panaceas

GRAVE AS MAY BE the threat of crime, bound up as it certainly is with our various social and economic systems, no country would be prepared to transform its basic social arrangements simply in the hope of reducing it. Even if it did so there would remain, as we have seen, the certainty that new forms of crime would emerge as by-products of the new form of society.

So inevitably the search for panaceas has been concentrated not upon the social roots of crime but upon the individual offender and ways of dealing with him. This search, too, has produced its very ample crop of illusions.

Many of the false hopes that have haunted the past hundred years emerged from the positivist belief that it would prove possible to arrive at scientific methods of assessing and treating criminals. The dangerous could then be identified, with reasonable certainty, and assigned to prolonged confinement. For others, merely occasional offenders, little action might be necessary. Or it might be possible to subject them to treatment which would reduce their criminal tendencies.

The concepts of "social responsibility" and "legal responsibility" were put forward as a philosophical justification for such approaches. The deterministic view of positivism left no room for older moral and legal concepts like those of free will or of the "guilty mind." In the words of Benedetto Croce, *"Man is not responsible but is made responsible by society."* If he breaks its laws, he should be subject to such measures as are necessary for the protection of society. These measures were not to be seen as "punishment" based on "moral guilt", simply as necessary pre-

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cautions. Their extent and severity would depend not on the crime itself but on the likelihood of further crime, in other words the future danger to be apprehended from the criminal.

My old Roman Professor, Enrico Ferri, attempted to embody these principles in a model legal code. It failed to get acceptance in his native Italy. Even amongst socialist countries, to whom the determinist creed might seem more acceptable, it won a temporary welcome only in the early Soviet Code adopted in Russia in 1927, in the Mexican Penal Code of 1929, and the Cuban Code of Social Defence of 1926. Now the concept seems to have been buried even by the socialist countries which first took it up.[1]

The more limited idea of the "indeterminate sentence" for offenders classed as dangerous or in need of treatment has had much longer and wider popularity. The idea is that, though their sentences should not be wholly unrelated to the gravity of their crimes, there ought to be power to detain them longer than would otherwise be the case, making their release dependent upon their response to treatment and an assessment of the public risk of their release. Only in the past decade or so has there been a widespread revulsion against this conception. That has resulted from four things:

1. growing evidence of our inability either to identify accurately the offenders who are likely to prove dangerous;

2. our inability to treat them effectively;

3. the conflict between the tension and uncertainty of indeterminate sentences and the attempt to reform or rehabilitate; and

4. the repeated experience in different countries and under different systems, that the indeterminate sentence results in injustice, especially to many minor, though persistent, offenders who come within its scope.

The concepts of "individualised treatment" and the rehabilitative ideal, which again have been partially linked with positivist ideas, have had a wider impact still. They have left a profound impression upon law, sentencing, and penal practice in the English-speaking world and, though more latterly and cautiously, on the continent of Europe.

The concept of *individualisation* stipulates, in essence, that the response to an offence should depend upon the circumstances and personality of the offender, not on the crime alone. The concept of *rehabilitation* implies that society has a duty to help the offender, an interest in so treating him that he will not need or wish to offend again. The first obvious application of these ideas was to juveniles, but they have extended to virtually the whole system. The wide availability of probation provides one example, but the movement has also invaded the régimes of prisons and other penal institutions, adding the aims of reformation and rehabilitation to the more traditional purposes of containment and deterrence. The strength of this upsurge of optimism was reflected even in discussions on persistent recidivists. At the International Penitentiary Congress in St Petersburg in 1890, Donna Concepcion Arenal affirmed

> "There are no criminals who are *incapable* of being corrected—only those who have not *been* corrected."

With equal fervour, in 1927, Albert Krebs, a criminologist of the Weimar Republic, declared that

> "The earliest point at which a diagnosis of incorrigibility should be attached to an offender is in his obituary notice."

HERE TOO, HOWEVER, we now see a reversal, a call to abandon illusions. The researches of criminologists have given the *coup-de-grâce* to high-flown hopes of discovering scientific cures for criminality.

Again, partly to blame has been lack of evidence of our ability to discriminate adequately between offenders, or to assign them to forms of treatment which will effectively prevent recidivism. Again, also, there are doubts about the uncertainties and injustices inseparable from such an approach. It is argued that, though the offence alone may be a crude yardstick for measuring out punishment, at least it is more definable, more appropriate as a guide to reflecting public reaction to the crime. Where individual reformation has proved a fallacious objective (at least as measured by short-term recidivism) perhaps we should be giving more consideration again to the claims of strict justice and general deterrence. This can be seen as a form of neo-classical revival.

As for the prison system, it is passing through a crisis everywhere, varying in intensity from one country to another, but always under fire. Not only is it suffering from the almost intolerable pressures of rising criminality, but it is condemned for its limitations as an agency of reform and even as an

[1] It is difficult to realise today what an avant-garde principle it appeared when it was first enunciated. I know of only three or four modern criminologists who would support it today, amongst them my redoubtable (and relentlessly logical) friend Baroness Wootton, in England, and Fritz Bauer in Germany.

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agency of deterrence. This reassessment of imprisonment is long overdue. But it should not blind us to the realities—or lead us into new illusions. It is certainly an illusion to think that we can simply dispense with prisons. At the very least they serve essential purposes of containment for certain prisoners. And however disappointed we may be that they cannot achieve all that we hoped, this does not mean that they cannot be improved or that we have not a duty to improve them. The reality lies somewhere between the illusions of unjustified expectations and of untenable rejection.

Equally, in the broader field of penal policy, I would certainly not advocate a reaction from the unfulfilled hopes cherished by the more enlightened nations over the past century to the equally fallacious ruthlessness prevalent in earlier times and, alas, still prevalent in many parts of the world today. 18th-century England, faced with the rising crime that accompanied the early Industrial Revolution, created capital offences by the hundred, hoping to hold down criminals by a policy of suspended terror.

It did not work then, and it will not work now. Only a state which both *has* severe penalties and is in a position to *enforce* them fully and without mercy can hope, even for a time, to restrain crime by this means alone. And, since such a system must overshadow the whole life of the nation in all its aspects, the price is too high. We cannot go backwards in this; in seeking greater certainty and justice we must also bear in mind what we have learned in the way of moderation and of mercy.

4. Schools, Criminal Law, & Criminal Codes

YET ANOTHER SET OF ILLUSIONS which are, I hope, on the wane, are those related to the entrenched positions taken up by Schools of Criminal Law, especially here on the Continent of

Does Anything Work?

Cambridge, Mass.

FEW *recent articles have been as widely reprinted or as frequently cited as Robert Martinson's "What Works?—Questions and Answers About Prison Reform", published in 1974. Its major conclusion has become familiar to almost everyone even casually interested in crime control programs:*

"With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism."

For politicians as well as for scholars, the message seemed clear—nothing works.

"TREATING" *power-oriented delinquents—at least by means of verbal therapy—apparently makes society worse off.*

An earlier study by Stuart Adams provides some confirmation for this point of view. In 1961 he described the "Pilot Intensive Counselling Organizations" (PICO) in California, aimed at reducing delinquency among older juvenile offenders. The eligible youth were first classified as "amenable" or "non-amenable" by the persons running the project. Once classified, they were then randomly assigned to either a treatment or control group. (The treatment consisted of individual counselling sessions, once or twice a week for about nine months, carried on inside a correctional institution.) After nearly three years of observation, Adams discovered that the amenable delinquents who had been treated were much less likely than amenable delinquents who had not been treated to be returned to custody. On the other hand, delinquents judged non-amenable who were given counselling did much worse—indeed, they were more *likely to be returned to jail than the non-amenables who had* not *been treated.*

In short, if you are amenable, treatment may make you less criminal; if you are not, treatment can make you more criminal.

This conclusion is consistent with a good deal of evidence about the effects of psychotherapy generally. Changing delinquents is not fundamentally different from changing law-abiding people: "Crime", after all, is not a unique form of behavior; it is simply behavior that is against the law.

THE MOST DRAMATIC new argument in the continuing debate over rehabilitation comes from Charles A. Murray and Louis A. Cox, Jr., members of a private research organization, who were retained to find out what happens to chronic delinquents in Chicago who are confronted by sanctions of varying degrees of restrictiveness.

The Chicago authorities wanted to know if any of the programs offered in that city—ranging from commitment to a conventional juvenile reformatory, to newer programs that left the delinquent in the com-

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Europe, and above all in the great battles of the 19th and early 20th century between "classicists" and "positivists." Manifestos, books, congresses, lawyers and criminologists had all to be labelled as belonging on one side or the other of these controversies. As an academic ploy this can be stimulating, even valuable. As a means of dealing with the practical problems of coping with crime and criminals it can be stultifying.

The old schools have now largely disappeared; their viable elements have been absorbed. The recrudescences we see today make less claim than the old positivists to scientific certainties, less claim than the old classicists to rigidly infallible logic. Political and moral considerations are more frankly acknowledged. This may be a gain in terms of realism; but I must admit that, in my opinion, there is something highly dangerous in exacerbating and hardening political controversy about measures to deal with crime and criminals. Of course it is a political matter. But these are things that threaten and concern all members of the community: they should not be exploited or abused for party ends. In this sphere what is needed, at every stage of law-making and law enforcement, is not an extreme entrenched doctrinaire position, but a careful weighing of the benefits, the costs, the practical possibilities and alternatives, in relation to each particular kind of behaviour it is desired to restrict or proscribe.

The construction of criminal codes has been yet another source of illusions. Even so experienced and perspicacious a high-court magistrate and eminent criminologist as Baron Raffaele Garofalo was so much under the influence of positivist philosophy that he had high hopes of arriving at a code which could be of general application throughout the world. He was convinced that there are certain central features of crime in all societies, reflected in what he called the "natural" crimes. Such a central core may indeed exist, but there are also great diversities in the way it is expressed in

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munity or sent him to a wilderness program—changed the rate at which delinquents committed offenses. Such studies have been done many times, usually with negative results. But Murray and Cox redefined the outcome measure in a way that seems to make a striking difference.

Until now, almost all students of recidivism "rates" or rehabilitation outcomes have measured the success or failure of a person by whether or not he was arrested for a new offense (or was convicted of a new offense, or had his parole revoked) after leaving the institution or completing the therapeutic program. "Success" was an either-or proposition: If you did not (within a stated time period) get into trouble again, you were a success; if you did get into trouble—*even once*—you were a "failure." Though the evaluators of rehabilitation programs typically speak of "recidivism rates", in fact they do not mean "rate" at all—they mean "percent who fail."

IT WAS a happy thought to use rate in the sense of frequency and to calculate how many arrests per month were charged against a given group of delinquents before and after being exposed to Chicago juvenile treatment programs, and to do so separately for each kind of program involved.

By the conventional measure of recidivism, the results were typically discouraging—82 percent were rearrested. But the **frequency** *with which they were arrested during the follow-up period fell dramatically—the monthly arrest rate (i.e., arrests per month per 100 boys) declined by about* **two-thirds.** *Even more interesting, Murray and Cox found that* **the more restrictive the degree of supervision practised, the greater the reduction in arrest rates.** *Youths left in their homes or sent to wilderness camps showed the least reduction (though some reduction nonetheless); those placed in group homes in the community showed a greater reduction; and those put into out-of-town group homes, intensive-care residential programs, or sent to regular reformatories showed the greatest reduction.*

If this is true, it implies that how strictly the youth were supervised, rather than what therapeutic programs were available, had the greatest effect on the recidivism rate.

THESE *studies are important, not only because they employ rates rather than proportions as the outcome measure, or even because they suggest that something might work, but also because they suggest that* **the study of deterrence and the study of rehabilitation must be merged—that, at least for a given individual, they are the same thing.**

Until now, the two issues have been kept separate. It is not hard to understand why. Welfare and probation agencies administer "rehabilitation", the police and wardens administer "deterrence." Advocates of rehabilitation think of themselves as "tender-minded", advocates of deterrence see themselves as "tough-minded." Rehabilitation supposedly cures the "causes" of crime, while deterrence deals only with the temptations to crime. Psychologists study rehabilitation, economists study deterrence. If the new conclusions are correct, these distinctions are artificial, if not entirely empty.

James Q. Wilson
in THE PUBLIC INTEREST

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different societies, as well as in the marginal offences with which they surround it.

The undeniable reality is that there are very direct connections between the political ideology of a country, its system of criminal justice and its penalties. Indeed that statement could well be reversed: the penal and criminal justice systems of a country provide a very reliable index of its prevailing ideology.

ONE OTHER POINT comes to my mind, though I can only touch upon it here. This is the question of realism and illusion in the scope of the criminal law itself. There is virtual unanimity that the traditional core—*Garofalo's "natural crimes"*—must in some form remain. But beyond that, in increasingly complex societies, there are many temptations to extend criminal sanctions, whether for administrative convenience or to secure ideological conformity. The intentions may be of the best, whether the aim be to improve public health or welfare or to outlaw such vices as unfair racial discrimination. But what of the consequences? To pass laws which cannot be enforced, or which carry too little general public consensus, or which cause more harm in their enforcement than what they seek to obviate—such practices can only bring the whole criminal law into disrepute, reduce its potency as a weapon against the crimes it was designed in the first instance to combat. Far more thought needs to be given to other means of encouraging loyalty and cooperation, to strengthening the positive contributions of the family, the church, the school, the professional organisation. The grim weapon of the criminal law should be kept in its proper place, as a last resort.

5. Illusions about Criminal Justice

THE PROCESSES of criminal justice, of prosecution and trial, present yet a further range of illusions, another contrast between expectations and fulfilment. At the end of the 19th century, and the beginning of the 20th, we believed that, in civilised countries, the balance between the rights of the Citizen (even of the criminal) on the one hand, and those of the State on the other had been reasonably balanced and reliably established. Some, like the famous German Professor Franz von Liszt, went so far as to claim that criminal law should be the Magna Carta of the criminal. It was affirmed that it was better that nine guilty men should escape than that one innocent man should be wrongly convicted.

Now, with rising crime and a different political climate, there is pressure to return to an emphasis on "law and order" (in the sense of giving priority to crime prevention) and to deride such strict insistence on legality in procedure as the liberalism of a bygone age. This is a painful experience for those of us who believed when we were young—and still believe—in Cesare Beccaria's principles of justice in the criminal process. Still more painful are the object-lessons constantly brought to our notice of what happens when these principles of basic justice are evaded or denied outright. Two hundred years after Beccaria wrote, the United Nations (at the Fifth Congress on the Prevention of Crime and the Treatment of Offenders held in Geneva in 1976) still found it necessary to pass a resolution outlawing torture as an instrument of criminal investigation, punishment, or downright oppression. We live in a world where this medieval atrocity is not merely surviving but growing. If law and order is to be maintained, those who seek to enforce it must be as much subject to the dictates of law as those who break it in the first instance.

IF I WERE ASKED what are the basic essentials of a decent and law-abiding system of criminal justice, I would list the following:

1. A criminal code which is clear and well-publicised in its definition both of crimes and of penalties.

2. A police force with precisely defined powers and limitations, subject to adequate discipline, backed by independent provision for the investigation of complaints.

3. Openness in the processes of prosecution, trial, and sentence.

4. The right of the suspect and the accused to keep silence, not be forced to confess, and to legal representation whenever necessary.

5. Strict rules of evidence, strictly enforced.

6. The independent position of the judiciary.

7. The possibility of appeal against both conviction and sentence.

8. Maintenance of the rights of prisoners, with independent complaints machinery.

9. Independent inspection of penal institutions.

10. Finally, the social importance of all the organs of criminal justice at all levels (police, committing magistrates, prosecutors, courts, probation, prison and after-care staff) should be

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fully recognised and reflected in their careful selection, thoughtful training, and satisfactory remuneration.

THE CIVILISED LIFE of any country in the world would soon come to an end if the criminal law and the machinery of justice were to lose their vigour. To think (or to hope) otherwise is to indulge in the most futile of illusions at the expense of the most sober reality.

There is nothing more irritating than an assumption of moral superiority. I am well aware that no country can boast all the safeguards I have been suggesting, though in some they have become the subject of urgent debate. Yet I can only reiterate that, without them, justice itself remains less than a reality.

I HAVE SAID ENOUGH. To conclude, may I revert to my title, a title which may have sounded, perhaps, a little ambivalent, even flippant. I wonder whether it really is?

How much reality can we stand, as individuals or as societies—perhaps a certain amount of illusion is a necessary ingredient in our lives? Certainly one of the elements that foster it is a need to escape from realities which may otherwise appear too grim. It can help to give attraction to lively new theories, inspiration to experiment, and optimism to new endeavours.

But too much illusion is dangerous, because the realities have their own remorseless logic and force. Eventually they must break through the successive illusions within which we seek shelter. Moreover, illusions are seldom as beneficent as they may appear at first sight; realities, once faced, are not always so grim. In so far as we have the courage to get beyond our illusions, we can move on to something more useful, more fulfilling, more stable, since it approximates more closely to the demands of reality.

AUTHORS

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Zbigniew Herbert's most recent book of poems, *Mr Cogito*, was published in Warsaw in 1974. His *Selected Poems* (trans. Czeslav Milosz and Peter Dale Scott) appeared in the Penguin Modern European Series in 1968.

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Two Poems by Zbigniew Herbert

The Power of Taste

for Professor Izydora Dąbska

No our refusal dissent and obduracy
didn't require great character
we had a pinch of indispensable courage
but basically it was a matter of taste
Yes taste
containing fibres of soul and gristle of conscience

Who knows had they tempted us more cleverly and beautifully
sent pink wafer-thin flat women
or fantastic creatures by Hieronymus Bosch
but in fact what was hell like in those days
a damp ditch murderers' alley a shack
christened the palace of justice
a do-it-yourself Mephisto in a Lenin jacket
despatched missions made up of the *Aurora's* grandchildren
boys with ashen-grey faces
and very ugly girls with red hands

Indeed their rhetoric was too coarse-grained—
Mark Tully was turning in his grave—
chains of tautologies one or two concepts like flails
a torturers' dialectic no elegance in argument
a syntax lacking the charms of the conditional

Thus therefore aesthetics may be useful in life
one mustn't neglect the study of beauty

Before we join we have scrupulously to examine
the shape of architecture the rhythm of fifes and drums
the official colours and the villainous ritual of funerals

Our eyes and ears refused obedience
The princes of our senses chose proud exile

No that didn't require great character
we had a pinch of indispensable courage
but basically it was a matter of taste

Yes taste
which makes one withdraw squirm or hiss out derision
even if this results in the fall of a body's priceless capital—its head

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Our Child

Our test-tube baby is developing splendidly
the blue-eyed infant pinky Futurus
was spared measles whooping cough and fever
bed-wetting and the fear of witches and gremlins
he loved UFOs which gave him friendly winks

When he was three he succumbed to senile dementia
so they changed his head in the plant
where he saw the light of day he returned soon
to play audibly with his robot, in our sitting room

A penetrating analyst took an interest in his soul
(or rather in that hole Plato called the soul)
our son's IQ upset all known statistics
and the child soon became a tests champion
being well-off we didn't insist he join a circus
after all he is our child as well as the test-tube's
just one TV performance that's all

As clever as young Pascal epoch-making like Einstein
doesn't go to school in case he develops complexes
studies on his own writes and listens to oriental music
which allows him to penetrate supra-rational nexuses

When he was twelve he published books
which entered best-seller lists
reviewers praised the excellent syntheses
he compared Marx with Buddha Christ with Talleyrand
some maliciously blamed him for conceptual muddles
even though our son had freed himself from concepts

But it does bother us that he tends to be gloomy
and often gets very irritable
there are words and phrases you can't use in his presence
such as God conscience and nation
he stamps his feet and stops his ears
but unfailingly he enjoys funerals
wars plagues famines revolutions

Our test-tube son will become a professor
he waits for them to open a suitable department
he's working on a system called Presentism
which boldly rejects all ontology
the mouldy categories of space and time
and a few other details

simplifying a great deal
it's the philosophy of the moment of events
unconnected either with the cosmos or with each other
an apologia that is for absolute freedom

when one void sends out flashing signals
while another responds with a hearty laugh

Translated by Adam Czerniawski

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Reflections on a Remark by Cicero

Law, Ethics, & Authority—By LORD HAILSHAM

I MUST SAY AT ONCE that, whatever reservations I may have had, or may still have about my capacity adequately to sustain the role, I have never entertained the smallest doubt about the desirability of the topic "Law, Ethics and Authority." I can think of none more appropriate to the present time. I believe that the widespread malaise which afflicts Western Society is largely due to our inability to relate these topics to one another, indeed to the belief, if I am correct the wholly erroneous belief, that Law, Ethics, and Authority are topics in principle separate which cannot rationally be interrelated. My theme is that they are intimately connected, and that, until we have learned to connect them rationally, Western Society will continue to disintegrate.

I must now declare my credentials, such as they are. As has been my family before me for more than 100 years, I am a member of the professional middle class. In the far background of my life is an academic training in philosophy, in which I have continued to take an interest to the extent that is open to the possessor only of a first degree. My experience, other than that which we all acquired in the army, is limited to politics and the law. But my interest in my subject is stimulated by the fact that we live in an age of increasing intellectual and moral confusion. In real life does this matter? The symptoms of our malady are mainly economic trauma, increasing violence, and moral decay. But these are symptoms only, urgent problems with which men of affairs have currently to deal, or, at the professional level, the daily preoccupations of professional men and women, in particular, the lawyer, the doctor, the minister of religion. But they all learn, in their differing ways, to treat symptoms by trying to seek out, identify, and then to eliminate the causes of disease.

What are the causes? I am persuaded that, in the broader sense, the confusion and violence of the modern world have their roots in moral and intellectual uncertainty. If this be so, their treatment calls for a restatement, in philosophical terms, of the ultimate values by which we live, and in particular those by which we can live in society. As a believing Christian, I am far from underestimating the role of religion in these matters. As one who has had much to do with scientists, pure and applied, I am far from belittling the contribution, actual and potential of modern science. But a religion needs solid rational and intellectual foundations, and, practised without them, can never speak relevantly to a generation which is genuinely in doubt.

BY CONTRAST, science can say much about means. But what can it say about ends? In its nature, physical science owes its triumphs to the study of what can be seen, calculated, observed and verified by experiment. If ultimate values exist, they exist, and must be discussed without recourse to that salutary discipline. Since I am concerned with values, it must surely first be established that there is no intrinsic objection to these being considered rational, in the absence of the possibility of experiment to establish their validity. Values are tested indeed by study and experience. But experience is not the same thing as experiment, and the study involved is something different in kind to observation and calculation.

So I look for guidance in the field of philosophy, by which I mean the coherent statement of principles underlying human experience, in this

LORD HAILSHAM *(Quintin Hogg)*, appointed *Lord High Chancellor of Great Britain in 1970, when he was created a Life Peer (he disclaimed his hereditary peerages in 1950), has had a distinguished career in the legal profession and as a Conservative Member of Parliament and government minister. He delivered this 1980 Edwin Stevens Lecture before an invited audience of doctors and lay people at The Royal Society of Medicine in London. The author of many books, including technical works on the law of arbitration and monopoly, his latest publications include "The Dilemma of Democracy" (1978) and a volume of autobiography, "The Door Wherein I Went" (1975).*

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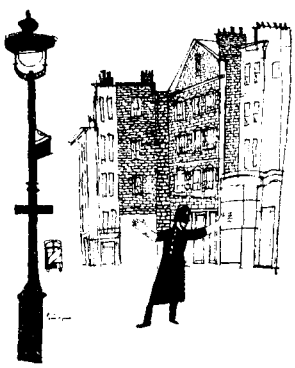
case the regulation of human conduct and human society. But when we seek from the professional philosophers the bread for our daily journey they seem to offer us nothing better than a diet of small pebbles. The professional philosophers have failed us. For all their sophistication and subtlety, they have ceased to speak in language intelligible to the people or intelligible to those skilled in other intellectual disciplines. Instead they seem to take refuge in the arid wastes of intellectual disputation, remote from everyday experience and even from law, science, or history. Unlike science, but like politics, and like religion, philosophy requires to be couched in language which ordinary people can understand. The meeting place of disciplines cannot afford to speak in a language of its own.

IT MAY BE complained that this approach is itself too intellectualist to be in contact with real life. I dispute this. General ideas can have an immense influence on practical affairs, and this influence can be good, or bad. What is always bad is a crude set of general ideas in the mouth of a demagogue or populist politician. There is a kind of Gresham's Law in popular philosophy by which the bad and the extreme seem often to drive out the subtle, the

Strictness, Laxness, & Delinquency



London

THERE IS MORE CRIME in poor neighbourhoods than in affluent ones, but even in poor areas most people do not steal. How does this come about? In particular, how can we explain the fact that in areas which are heavily vandalised there are children who ***refrain*** **from activities of a destructive and anti-social character?**

Children tend to mix with others of their age in school and in after-school activities, and in poor areas most children play out in streets and yards. So contracting out of communal activities is more difficult than it is for children who live in the leafy suburbs. And yet there are sizeable groups of children who do **not** *take part in vandalism, shop-lifting, throwing bottles or stones to break windows or damage cars, and other after-school entertainments. Could the differences in children's activity patterns be explained by the different ways parents acted?*

WE HAVE recently completed a study of 120 families and their children which was designed to test the association between parental supervision and delinquency in high-crime areas. The study includes families in different sets of circumstances in various areas of a large West Midlands city in Britain.

The catchment areas for our selection of inner-city families were determined by seven indicators of deprivation, which had been recently ascertained by a 10 per cent household survey. The suburban estates were chosen in consultation with the housing department on the basis of child densities in neighbourhoods containing "hard to let" dwellings.

The families who took part in the study were indigenous (ethnic minorities were not included, to hold cultural factors constant). They had four or more children, of whom at least two were boys—one aged ten or eleven, the "focus boy," and a second one aged twelve or more.

PARENTS WHO are strict tend to keep a close watch on their boys, and do not allow them to roam the streets. When the boys play outside, as they commonly do, they have to remain in sight. There are rules about coming straight home from school and about coming in at night.

Lax parents, by contrast, leave it to their sons' own good sense to arrange their activities, or they are too preoccupied with other problems to pay attention to their children's whereabouts and activities.

An intermediate group of parents allow a degree of freedom of movement, but insist on being informed. They have rules about returning home at a set time. This way of handling their 10–11-year-old boys was, in fact, practised by exactly half the sample, both in the inner city and on the suburban estates.

OF TEN STRICT FAMILIES in the inner city, two had delinquent boys; of 20 lax families, 14 had delinquent boys. In the suburbs, none of the 14 strict families had delinquent boys, but of the 16 lax families, nine had delinquent boys. The close association between degree of social handicap and parental supervision is most clearly demonstrated in the fact that there were only three lax parents among the low social handicap families, and only four strict parents among the severely socially handicapped group.

The increase of delinquency with increasing parental laxness is highly significant. There are also significant differences in the delinquency rate between the three social handicap groups. The delinquency rate in the lax families is over seven times that in the strict families, whereas the rate in the severely socially handicapped families is just under three times that in the families with low social handicap.

Parental supervision, then, seems to be the factor that determines whether a child is at risk of becoming delinquent in high crime areas.

Harriett Wilson
in NEW SOCIETY *(London)*

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moderate and the good. Many of the great evils of the 20th century have been brought about, alas are still being brought about, by publicists of the crude and the bogus appealing to the baser emotions by means of the superficially attractive, or sometimes, and only less dangerously, by the deliberate use of mystification. Such, for instance, is the exploitation of credulity used in the pseudo-sciences and pseudo-philosophies. Genuine philosophy and genuine religion may often be subtle, open only to those who study diligently. They are never esoteric; so it is to general ideas that I must turn.

In these, there is a valuable field for the demolition expert, the genuine sceptic. When I was studying philosophy many years ago, one of the documents I found most intriguing and most suggestive was one published as long ago as 1912 by the late Professor H. A. Prichard in the periodical *Mind* (vol. 21, pp. 21–37). It was entitled: "Does moral philosophy rest on a mistake?", and its author concluded that it did. It was not long before he, and other thinkers, rapidly discovered that the line of argument which had led him to this depressing conclusion could be applied with equal effect, and with little difficulty, to other fields of enquiry. Thus, one by one, the great bastions of philosophy collapsed one after the other like the walls of Jericho to the tune of Professor Prichard's ram's horn, political philosophy first, and then jurisprudence, finally metaphysics, logic, theology; and a few daring spirits even pointed out that the same line of reasoning might without much difficulty be applied to the philosophy of the physical sciences themselves. I myself became a convert to this school of fundamental scepticism, and, in so far as philosophy seeks to found a school of thought with final answers to questions, cast-iron definitions, or worst of all, a *summum bonum*, I still belong to that school. These have been the *ignes fatui* of philosophers in the West from the beginning. But when all was in ruins, I began to see that all was not lost in this 20th-century Humanism: though the quest may be unending, the pursuit of truth in all its forms may still be productive and rewarding.

A rather clever friend of mine once observed to me that the field of philosophy was properly about the kind of questions asked by an intelligent child which would none the less be dismissed by an adult as unworthy of discussion. This may well be true. But the questions continue to be asked and not only by clever children. Is there a rational basis for moral conduct or civil obligation? Why is right right or wrong wrong? Why should we talk in terms of justice, morality, or law? We know full well that all our tentative answers will be incapable of verification, or even of support except by the like experience of similarly constituted minds.

And how can we talk of political authority which is legitimate, or on the contrary usurped? It is certain that history at least provides no satisfying answer. Except in the most primitive tribes, every political society of which we have experience, from Britain outwards, as a matter of history has its origin in the naked use of force—in the amoral doctrine, restated in terms appropriate to the military technology of the time, that power grows out of the muzzle of a gun. If this be true, how can we go on asking questions about the propriety of political or international conduct as if they were capable of an answer? Democracy itself is no automatic respecter of human rights, and is in any event the product of almost continuous challenge to traditional authority, largely, if not universally, recognised in its own time as legitimate. In our own time we have made the disconcerting discovery that universal suffrage is no automatic guarantee against oppression; and we have learned, have we not, that powerful minority interests operating outside the law, and even violently, have placed themselves all too often in a position to defy moral usage and flout established authority.

But the disregard of morality, the flouting of law, the denial of justice is certainly something which does not lead to the happiness of mankind. Even on the assumption that the principle of legitimacy in morals, politics and religion, in which I was nurtured prior to the First World War, had nothing fundamentally more compelling in its title deeds than the non-moral principle of prescription, it was not the principle of legitimacy which led to the Holocaust of the Jews, to the Berlin Wall, to the boat people of Viet Nam and Cuba, to the genocide in Cambodia, to the merciless taking of hostages, or the kangaroo-trial murders perpetrated in many countries of the world. However much demolition work we accomplish in the field of philosophy, the intelligent child continues to ask his questions, because the situation is such that the questions arise and demand that answers be given, even though they be only provisional. Provisional answers do, as a matter of fact, suggest themselves. To the ideologue we may say with truth, be he communist or fascist, or IRA, or Moslem fanatic, that compromise, toleration and moderation are at least as much principles of conduct—and no less rational—than the slogans and rhetoric of the ideologues. There is an ideology—happily endemic in this island—of moderation, which recognises that it is the people with simplistic solutions who make most of the trouble in the world, and if I have to choose between the orthodoxy of Torquemada or Ayatollah Khomeini, and the orthodoxy of agnosticism, give me, say I, the orthodoxy of agnosticism every time.

THE WEAKNESS OF AGNOSTICISM IS, however, its lack of intellectual teeth. The mind of man is not content with that. The search continues, though it brings not peace, but a sword, and from

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agnosticism, which I greatly prefer to ideology, I begin to find provisional conclusions. It may be that Western philosophy has foundered on a search for impossible things, for cast-iron definitions of things concerning which orthodox definition is a contradiction in terms, for greatest goods, for touchstones of truth by which final certainty is guaranteed, and which thus enable the searcher to abandon his quest, not because it was not worthwhile but because at last he has found his goal. I believe this characteristic of Western philosophy to be true, at least in part, even in the realm of logic, when Western philosophy has tended to concentrate on the question—"How do we know?" rather than—"How do we proceed to use our brains?". The fish is not aware of the flow of water in the stream unless he can see the bank or unless he is equipped with sonar or radar, or other means of discerning objects outside the river.

I AM NOT CONCERNED here with the theory of knowledge. But may not the same train of reasoning prove helpful in the far less complicated fields of jurisprudence, by which I mean the philosophy of law, and of moral and political philosophy? Is it not perhaps this vain search for definitions, or for an ultimate touchstone, once realised to be the absolute criterion of authenticity, which has led the study of jurisprudence into the desert sands of legal positivism—law is the command of the ruler, or that which in fact the courts will decide, however foolishly? Or into the morass of utilitarianism which claims that the sole criterion of what makes good or bad law is the greatest happiness of the greatest number? Both doctrines are amoral. Each, by its different absence of moral content, has led perverted intellects to the use of the gas chamber or the concentration camp. It may be that we must look elsewhere than to the cast-iron definition or the *summum bonum*, that we should seek something at once more practical and more satisfying to the individual instinctive consciousness of the average man or woman. It may be wise to recognise from the outset that in so far as we look for finality we are in search of the will o' the wisp, that is to say something which cannot be found, and therefore which in principle ought not to be sought. By finality I mean in politics or jurisprudence a state of society in which change is no longer desirable; in morals I mean a system of precepts which, correctly applied, puts an end to all self-questioning. But, if I am correct in my approach, what it does not mean is that the search for the just, the true, the beautiful, or the good, the pursuit of virtuous conduct, is either fatuous or vain. It does not mean that the truths we think we see (albeit through a glass, darkly) can safely be rejected, nor that we may safely question the validity of those processes, which are both varied and complex, by which we achieve fresh insights or by which we attempt to verify such insights in the light of supposed existing certainties.

I said a moment ago that the fish in the stream, or I might say the aeronaut in the balloon, is not aware of the true flow of the stream, the true drift of the air, unless he can see the bank or the ground

Ironies

New York City

IN THE UNITED STATES *not more than 20% of the situations the police are called upon to handle involve enforcement of law. Most police work involves requests for services (such as first aid, domestic counseling, advising and warning, checking and reassuring, traffic and crowd control, patient listening, and referral to other agencies). These demands are especially high from those segments of the population that have the most serious crime problems, for they haven't the money or clout to obtain such services through private auspices. Thus, there is an irony:* **In our crime-preoccupied society, the police spend most of their time performing non-law-related services.**

These facts about the work really done by policemen, coupled with the widespread fear of crime, may explain the astronomical growth of private policing in the past few years. Today there are as many private guards and detectives as there are public police—about 500,000 of each. Private police are employed primarily to protect—and are paid, of course, by people or institutions with money. We may be evolving toward a dual system of policing: for the poor and disadvantaged, the state's police concentrating on services, and for the privileged, private police concentrating on crime.

ANOTHER IRONY IS THAT **in the United States, legal liberty tends to define the boundaries of moral propriety.** *Americans act as if it is unfair to criticize personal indulgence that is not legally prohibited.*

An indication that morality through informal mechanisms of enforcement is weaker in the United States than in other countries is the uneasiness Americans show in speaking about morality. It seems to me that within my lifetime the legitimacy of trying to influence the behavior of others through admonition has declined. Such "preaching" is socially unacceptable; it isn't done. Authoritative voices of moral counseling have been stilled—among parents, in the media, in occupations and professions, and among politicians. The biblical warning about "Judge not, and you shall not be judged" has been replaced by another—"Judge not, and you shall not be considered a prude."

David H. Bayley
in THE PUBLIC INTEREST *(New York)*

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or is equipped with the apparatus by which the movement of the balloon or the fish's body can be gauged against the ground or the bank. But at least part of the instrumentation by which the healthy man or woman is naturally equipped is the complex emotional system in conjunction with which we inform and sustain our value judgments. Is there any better reason to cast doubts on their objective validity or the laws they presuppose than on the fall of the apple on Newton's head or on the movement of the compass needle towards the Pole? They seem to operate independently of our subjective volition. Nor are all easily reconciled with the movements of our subconscious, our unconscious appreciation of our subjective interests, or even the interests of our group, or class, or society, or nation, or even the preservation of the human species of which we are part. May there not be a philosophy of our emotional instrumentation, none the less rational because it has to do neither with the logical faculty in our intellectual processes, nor with the realities of the external world observable through our sense data?

OF COURSE THERE IS a sense in which all practising lawyers are legal positivists. When we write opinions advising our clients we must do so in light of what knowledge and experience can tell us about what an actual court will decide at a given point of time in the light of a given piece of evidence and information. But this tells us nothing about the nature of law itself. Equally I suppose there is a sense in which all active politicians are utilitarians. In practice they do seek to propose and defend changes in the law which will assist the largest number of their constituents to the greatest amount of satisfaction. Who shall say that they are wrong?

But neither lawyers nor politicians can confine themselves to these criteria. Whether he wishes to do so or not, when he comes to argue his case in court the lawyer finds himself employing a very different kind of language from that of the legal positivist. He argues about just or unjust consequences inherent in proposed solutions. He leads evidence or cross-examines, not merely with a view to establishing matters of fact, but to introduce matters pointing to certain degrees of moral fault or innocence, if only those possessed by that famous, if hypothetical character, the reasonable man. It is not merely the law which compels him to do so. It is that the law which exists is itself inconceivable without the values of innocence and fault, truth and falsehood, reasonable conduct or its opposite, or the just and unjust consequences of given situations.

So also with politicians. Whether in the House or on the platform, their speeches cannot confine themselves to cold calculations of the numbers of people likely to be affected by alternative proposals, nor even the degrees of benefit, or the reverse, which result from them. They do not ignore these factors. How could they? But they find themselves discussing, though perhaps in emotive terms, the fair and unfair. They speak of individual and minority rights which have nothing directly to do with the satisfaction or wishes of the majority. When we speak of freedom we do not employ the language of the utilitarian. We are nearly always discussing conduct of which others disapprove, but which would none the less be permitted on grounds not exclusively utilitarian. When we talk of laws or proposals for laws we nearly always mean conduct from which the targets would otherwise refrain or of which they would be guilty were they not commanded or restrained by the executive force at the disposal of the state or its judiciary. Thus it is impossible to speak of law or conduct or the use of authority without making reference to moral values treated as objective and depending neither entirely on force nor on numbers. Though, as a matter of history, power may have grown out of the barrel of a gun, the plant which has grown there, when the time has come for it to bloom and fruit, is not just power but moral responsibility for its use and abuse. The seed may be sown in the soil of violence and anarchy. But violence and anarchy are not in the nature of the plant.

HOW THEN STANDS the logic of the argument? The way ahead may lie away from traditional dogma. It may lie through a healthy scepticism after a good deal of valuable but extensive demolition. But it postulates a philosophy of values and motivation, a philosophy seeking neither a code of absolute precepts nor a *summum bonum*, nor a system of definitions referable to objective, but ascertainable criteria.

Very nearly two years ago, I was staying in Scotland in a remote shooting lodge furnished with a varied library. My host recommended me to read a biography of the Emperor Augustus by John Buchan, the first Lord Tweedsmuir, who, besides being the author of a remarkable series of thrillers was also a scholar of no mean talent. As every reader of Shakespeare knows, in his youth Augustus had consented to the murder of the aged Cicero, and John Buchan had included amongst his references a quotation from one of Cicero's philosophical works, the *De Legibus*—"On our Laws." As I looked at one of the pages the following remarkable sentence from the *De Legibus* met my eyes. Cicero had written. "We have a natural propensity to love our fellow men, and that", he added, "after all, is the foundation of all law."

Cicero was not, I believe, an original philosophical thinker and so is unlikely to have thought this out for himself. Where had he found this extraordinary statement? No doubt there are those,

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better scholars than I, who could supply the answer. I do not know, and I have not found anything like it in the literature of the time. What I do know is the context in which the words occur, because I was so surprised at the quotation that I looked it up and, as I expected, the quotation was correct. The context was the existence of natural law, a theory much out of favour with contemporary writers on jurisprudence, but not with me, because I have come, as I have hinted, to reject what Professor Ronald Dworkin has referred to as the established doctrine of English writers on the subject, who have founded their views on the two distinct but closely related theories of legal positivism and utilitarianism.

By a strange coincidence, these words of Cicero, written by a pagan author who died at the hands of his murderers 40 years before the founder of the Christian religion, and wholly uninfluenced, so far as one knows, by the authors of the Jewish scriptures, supplied a want in my own understanding of this whole group of topics.

> "We have a natural propensity to love our fellow men, and that after all is the foundation of all law."

Is there a philosophy of love? Or, put it another way, is love a factor in human experience overlooked by philosophy? Does it shed a new light on the nature of civil obligation, as the Cicero quotation evidently implies? Or on the nature of law? Or the title deeds of political authority, whose historical origin, one may concede, grows out of the barrel of a gun, or its equivalent? Has it, perhaps, even a relevance to the most baffling question of all, the nature of knowledge, and how knowledge is acquired, and the relationship of knowledge or correct opinion on matters of fact to reality? Is its omission part, at least, of the reason for the poverty of Western philosophy at the present time, its inability to come to terms with the value of judgments concerning beauty, justice, goodness, and ultimately truth and reality themselves, its failure to appeal to the heart or to the understanding of the ordinary man?

The more I have reflected upon these matters, the more certain I feel that a positive answer to these questions is demanded not only by the nature of our present predicament, and by the extraordinary barrenness of contemporary speculation, but also and most of all by the detestable inhumanity and impracticability of our warring ideologies.

TAKE FIRST the question of the nature of law, which was the actual context of the quotation. Of course, if one attempts to define the nature of law in terms of things other than itself, as generations of philosophers have sought to do, one's thought runs, as theirs have run, inevitably into the sand. And, of course, if one talks in terms of natural law, as the protagonists of this ancient and honourable conception have been wont to do, and tries to codify this into a number of precepts or rules, some of which can be described as natural, and some of which cannot, one arrives, very quickly, at the same sort of absurdity as afflicted the English empiricists when they attempted to divide sense data into the primary (such as space and time) and secondary (such as colour). All the same, though power may grow out of the barrel of a gun, to attempt to cut law off from its most characteristic quality, which to my mind is inseparable from the moral judgments, in our feelings about fairness and indefeasible, albeit indefinable, rights, is surely to deprive law of all sense, as well as all moral authority. It is the immorality of utilitarianism, and the total want of morality in legal positivism which offends, and not their irrationality.

But suppose, just suppose, that it is a natural part of our human experience that man has a

Laws to Make Us Good

London

"IF A MAN *wants a secretary to sit on his knee, and she is willing to do it, he should not be forced into the ridiculous situation of interviewing a man for the job. . . .*"

So said an obviously clued-up woman executive of a large London employment agency, quoted in a survey critical of the Sex Equality Act just published by the Association of Professional Employment Agencies.

Such earthy sense of reality is all too rare among our legislators, many of whom appear to think that if anything is wrong an Act of Parliament can, without fail, put it right.

Yet consider how many laws have a quite counter-productive effect. Minimum pay laws, meant to help the poorly paid, put the lowest-paid workers out of a job. Rent restriction, meant to help the poor, makes it impossible for poor young marrieds to get a place of their own.

Town planning, intended to preserve our architectural heritage, has opened the way to the greatest acts of municipal vandalism in our history.

THE BELIEF THAT laws can create Utopia is the endemic folly of our age. It needs a bit of earthy female common sense to puncture it.

DAILY MAIL (*London*)

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propensity (in Cicero's admirable words *natura propensi sumus*) to love his fellow man (*ad diligendos homines*), and that it is this factor which is the foundation of all commendable positive legal rules, judge-made or Parliament-made (*quod fundamentum juris est*). And suppose, just suppose, that it is this factor which has been forgotten in our intellectual analysis, what new avenues of thought suddenly open up in fresh vistas before our gaze!

Some time ago I had a portrait bust done of myself by a well-known sculptor, and I found myself talking with him about the art of portraiture. He volunteered to me the proposition that the art of portraiture was "to tell the truth lovingly." Can this be done? Or is the love only a lapse from artistic integrity? Now suppose that what offends one so much in what is called modern art is not so much its technical imperfection, about which too much, perhaps, is made, as its lack of lovingness for its subject, again what new vistas expand before one's vision as to the fundamental nature of the beautiful, whether in art or for that matter in nature.

Or take political or religious difference. I have never been myself one for the Politics of Consensus, if by consensus is meant a total absence of disagreement. All design, all policy, all that is worthwhile in human inventiveness is based as much on dialogue—even dialectic—as on agreement. Engineering design, like policy, is by its very nature a compromise between divergent requirements, between protective armour and the gun, between mobility and safety, between economy and social need, between tradition and progress. But suppose that what makes Hitler hateful, what makes the Ayatollah Khomeini and his so-called Islamic revolution abominable, what outlaws communism from the true tradition of civilisation, is not the questionable character of their intellectual processes, not even the absurdity of their several, and, incidentally, mutually incompatible, pretensions to infallibility, as the total absence of the "L" factor to which our Ciceronian quotation drew my attention. How much in the modern world that requires explaining suddenly becomes dazzlingly plain. May it not be the absence of love from contemporary political speculation which renders it unacceptable even from the point of view of the intellect?

"Until the Robins Lay Leaves"

London

THE BRITISH CONSTITUTION *was under strain and needed an overhaul, Lord Hailsham of St Marylebone, the Lord Chancellor, said in a speech to the Parliamentary Press Gallery yesterday. He questioned, however, whether sufficient consensus among MPs or enough parliamentary time could be found to effect any change.*

Lord Hailsham likened the constitution to a boiler designed to withstand a certain pressure and then introduced to a totally new technology which required it to meet a pressure of 300 lb a square inch.

The British had never come to terms with constitutional change. The possibility of a thoroughgoing examination of their governmental structure had never occurred to the British people.

"We are in need of constitutional overhaul, but of course in office it is not a thing about which I can speak with any degree of candour. One talks with candour only in opposition. That is what opposition is for. It concentrates the mind marvellously. Then you begin to write books."

Since 1945 the Common Law had entered a dynamic period. That change was due largely to Lord Denning, who did not care whether he followed precedent.... Commenting on Lord Denning's recent remarks, Lord Hailsham said:

"Judges can be trusted—if they are asked to do what a Judge is trained to do, to try a justiciable issue.

"If he is not given a justiciable issue, a Judge will wander about the wood until the robins lay leaves on his recumbent form."

THE TIMES

I APPROACH the temenos of the theory of knowledge in awe and trembling, admitting, as I do so, that what one might like to believe is not of necessity true. Indeed Pallas Athene, the presiding goddess of science and the sciences, expressly forbids us to accept authority as reason, or to be misled into error by wishful thinking. But suppose that what leads us to reject the irrational in our search for truth, the very thing which forbids us to abandon the search for truth in the boulder-strewn wilderness of apparently unconnected facts, the very instinct which forbids us to accept as reality an irrational and incomprehensible universe, the product of random forces and incomprehensible entities, is a feeling of kinship with the whole system of material things. Suppose that what drives the scientist on to observe, to measure, to calculate, to experiment, to verify, to adopt a theory and then reject it, to accept one theory on the ground that it is more elegant than the last, is precisely this feeling of kinship, the natural faculty of seeking the intelligible in the apparently patternless. When faced with a pupil who told him that what made Newton think of gravity when the apple fell on his head was the uniformity of nature in its relationship of cause and effect, the late H. W. B. Joseph rather tartly replied, "But it *should* have caused him increasing *surprise*." And, of course, he was right. But suppose that there is a kind of "L" factor even in abstract speculation?

Suppose that the language of beauty, in a land-

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scape, in a piece of music, in an artefact—suppose, in short, that in the artistic sense there is something akin to the same natural faculty which between human beings, and even between animals and humans, we dignify by the name of love. Suppose that the very thing which has eluded the West in its search for truth, in its pursuit of reality, is at any rate akin to the natural faculty to which Cicero drew attention when he was discussing the nature of law. I do not find such speculation absurd—though it draws me away from my main line of argument, and I must stop this series of rhetorical questions. I know I am pursuing the matter too far, and I must stop short of what I realise to be the threshold of mysticism, and return prosaically to my little flock of three sheep, Law, Ethics and Authority, for in their company I feel certain that I can tread on more solid ground.

The thing which has destroyed the doctrine of natural law, and natural morality (or, in so far as it existed, the theory of natural beauty) has been partly the difficulty of formulating the necessary precepts, and partly the impossibility of defining, *per genus et speciem*, its nature. But suppose natural morality and natural law is not a horse of that colour at all, not at all the animal which it is supposed to be. I have already indicated that, in my judgment at least, values in the sense in which we use the term are in principle incapable of definition *per genus et speciem*, and incapable of verification in the sense that scientific theories are capable of verification by experiment, observation, calculation and measurement, and that none of these circumstances can be said to invalidate the objective nature of value judgments. Why are we to suppose that either positive rules of law or positive precepts of morality are capable of formulation in the form of a series of universally applicable propositions? I do not myself consider that it is logical or acceptable to suppose that they are—legal principles, political constitutions, and moral precepts are obviously relative to an almost unlimited number of variables: practicability, the complexity or simplicity of social organisations, rural or urban surroundings, geographical environment, the level of education, problems of the scale and size of the units to which they relate. They are therefore incapable of formulation into an exact series of propositions universally applicable. But the extraordinary thing to be noted is the extent to which opinions concerning them tend to converge the more and more deeply they are studied by philosophers of wholly different origins and backgrounds.

No one in his senses claims that cruelty is better than kindness, ugliness than beauty, theft than honesty, lie-telling than truth-telling. No one teaches that parents owe no obligation of any kind to children or to one another or vice versa. These are propositions impossible to defend, and although no one pretends for an instant that legal and moral principles are capable of a one-to-one relationship without getting into a hopeless muddle about enforceability and practical politics, yet every attempt to divorce them from one another in favour of single criteria—for instance, legal positivism, equality, utilitarianism or the interest of the stronger, or class interest; or, in the field of morals, single criteria such as pleasure, happiness, survival value, or enlightened self-interest—has broken down not only in practice but because the theories to which they have given rise have been rejected by the common instincts of humanity. They break down because in the end they do not make coherent sense. They make no more sense than if a man were to describe a triangle as clever, or the square root of minus 2 as a quadruped.

But these difficulties disappear in proportion as we recognise that the factor which has eluded us is a motivation, that such a motivation is natural to mankind and is the connecting link which joins morality to law and law to politics. *Natura propensi sumus ad diligendos homines quod fundamentum juris est.* It is not difficult to see why tyrannies gradually, and left to themselves, so often evolve into reputable legal systems; why authority, originally based on naked conquest, evolves into anointed kingship, or monarchy in its turn into universal suffrage. Nor is it difficult, surely, to discern why, if the factor I have been seeking to describe is eliminated or ignored, society disintegrates into a jumble of violent and warring factions, ultimately determined once more each on the naked subjugation or elimination of the other.

And surely it will not stretch the imagination to conceive in the mind's eye what a different place the contemporary world would be if this truth I have been trying to enunciate were more consistently recognised and more persistently pursued. It would be a world without Ayatollah Khomeinis, or boat people, or terrorists, or the victims of terrorists. It would be a world without industrial unrest, without nuclear bombs, or nerve gases, or high explosives—except for the purpose of mining or civil engineering. It is odd, is it not, that this is not the real world of the 20th century? Perhaps we should be wiser than we are if we were consciously to try to make it so, or even if we were to make a conscious effort to realise that reason, and rationality, philosophy and commonsense properly pursued, point in the same direction as idealism and religious faith. *Natura propensi sumus ad diligendos homines quod fundamentum juris est.* We live in a world which is neither a random collection of indestructible particles, nor F. H. Bradley's ghostly ballet of unearthly categories. It is a world of values in which truth, and goodness, beauty and justice make sense of a reality otherwise intrinsically incomprehensible.

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Of Hard & Easy Cases

Dworkin, Adjudication, & Law Reform

By DAVID PANNICK

IT WAS the optimistic belief of the 18th-century philosophers of the Enlightenment that all problems could be resolved, and all questions correctly answered, if only we could discover and apply the relevant formula. Leibniz dreamt of a "logic machine" that would, without debate, or delay, supply the right answer to any moral or political controversy. The Encyclopaedists worked at producing 84 octavo volumes that would provide the information to settle any dispute. Isaiah Berlin has powerfully and persistently exposed the errors of this monist vision.[1] Sir Isaiah's writings develop the central theme that values and experience cannot be accommodated within a consistent framework without the loss of much that is held to be valuable. The very notions of "harmony" and "unity" denigrate man by denying the heterogeneous quality of human existence. Man cannot avoid the painful dilemmas of hard choice by sheltering behind reassuring simple formulae.

There remains only one forum where the Enlightenment philosopher would today feel quite at home: our courts of law. It is not merely the antiquated language, dress, and procedure that welcome the 18th-century savant to the Law Courts. It is that our courts still proceed on the doubtful premise that there are right answers to all legal disputes. When interpreting statutes, deciding hard common law points, or sentencing offenders, Condorcet's motto, "*Calculemus*", is applied. After consideration of the precedents cited and the arguments addressed to him, the Judge decides what the Law demands, permits, or prohibits. The solution is there, awaiting discovery; or so the judge (and the lawyer) would have us believe.

JUDGES ARE OFTEN ASKED to resolve hard cases, those to which there is no obviously correct legal answer, those in which two intelligent lawyers can reasonably disagree about the proper legal result. Voltaire complained, "My lawsuit was heard in one of the courts, and I lost everything by one vote. My advocate told me that I would have won it by one vote in another court. . . ." [2] Similarly, in one of A. P. Herbert's "Misleading Cases",[3] counsel for the losing party argues that the costs should be borne by the Crown. The decision of the court on a difficult point of law is, he argues, an "Act of God", that is, "something which no reasonable man could have expected."

The concept of a hard case is not unique to modern jurisprudence. In *Exodus* (18:26) we are told that ordinary cases were tried by the judges but "the hard cases they brought unto Moses."

In the English legal system the appellate committee of the House of Lords plays the role of Moses. Some of the hard cases concern the interpretation of legislation. Section 13(1) of the Trade Union and Labour Relations Act 1974 (as amended) provides an immunity for certain trade union action performed "*in contemplation or furtherance of a trade dispute.*" In *Express Newspapers v. McShane* (1980 2 W.L.R. 89), the Law

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[1] Especially in *Four Essays on Liberty* (1969), *Russian Thinkers* (1978), and *Against the Current* (1979).

[2] Voltaire, *Philosophical Dictionary*, "On Laws."

[3] A. P. Herbert, *Uncommon Law* (1969), p. 314.

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Lords were asked to decide (in the words of Lord Wilberforce):

> "How far does this immunity extend? Is it sufficient for those claiming the immunity to have a genuine intention to further an existing trade dispute? Or is it necessary to show, in addition, that the act done is in fact reasonably capable of furthering the trade dispute, or gives practical support to the trade dispute?"

Other hard cases raise difficult common law points. In *Rondel v. Worsley* (1969 1 A.C. 191) the House of Lords was asked whether a barrister is immune from an action in negligence brought by a dissatisfied client seeking damages for the barrister's conduct of an earlier court case. No statute provides guidance on the issue posed; and the court must decide by reference to analogous previous cases and the principles of the common law.

MANY HARD CASES, as well as being legally controversial, raise issues on which philosophers, economists, sociologists, and politicians can and do take sides. For example, the decision in *Express Newspapers v. McShane* that the test is a *subjective* one, requiring only *the belief* of the union that it is acting to further a trade dispute. The judgment in *Rondel v. Worsley* was that barristers, unlike other professional men, *are* immune from actions for negligence. A later decision, *Saif Ali v. Sydney Mitchell & Co* (1978 3 W.L.R. 849) established that this immunity extended to work done out of court only if it has an "intimate connection with the conduct of the cause in court" (Lord Wilberforce). Similarly, a trial judge has no discretion to exclude otherwise admissible evidence on the ground that it was obtained by improper or unfair means: *R. v. Sang* (1979 3 W.L.R. 263). If a trespasser is injured by the negligence of the occupier he can, albeit in limited circumstances, win damages: *British Railways Board v. Herrington* (1972 A.C. 877). And, in *Schroeder Music Publishing Co. v. Macaulay* (1974 1 W.L.R. 1308), the House of Lords held that inequality of bargaining power between the contracting parties is a relevant factor in deciding whether the contract is void for restraint of trade.

Some judicial decisions in hard cases have monumental public importance. The judgment of the United States Supreme Court in the Dred Scott slavery case (19 Howard 393; 1857) is widely blamed for precipitating the American Civil War.[4] In the Taff Vale Case (1901 A.C. 426) the House of Lords held that a trade union is liable for losses caused by a strike—and it has been suggested that "the decision drove the unions to political action—specifically to the support of the Labour party. . . ."[5] The dismissal in 1774 by a Privy Council appeal committee of a petition from the Massachusetts House of Representatives and the contempt shown for Benjamin Franklin (who presented the petition) was "an action which as much as any other single event helped to cause" the American War of Independence.[6]

ARISTOTLE THOUGHT THAT "laws, properly enacted, should themselves define the issue of all cases as far as possible, and leave as little as possible to the discretion of the judges. . . ." (*Art of Rhetoric*, I. i. 7). He failed to appreciate that hard cases are inevitable. Herbert Hart elucidated the problem. He explained that all language (statutory or judicial) is loose at the edges, that legislators have indeterminacy of aim and that no legislator can foresee all future contingencies.[7]

Despite the inevitability of hard cases, the controversy of the issues they raise, and the potential consequences (beneficial or adverse) of their resolution, a theory of adjudication still remains one of the more elusive goals of jurisprudence. How should hard cases be decided? One answer was provided by Rabelais' Judge Bridlegoose who rolled the dice to decide which party should win (*Gargantua and Pantagruel*, Bk. 3). A more recent approach (and one which has received more attention from legal philosophers) is that of Ronald Dworkin.[8]

DWORKIN'S THEORY is that in all cases judges weigh and apply competing rights. Even in a hard case one party has a right to win. This theory is tied to a conception of what law is. For Dworkin, law is the body of rights given expression to in the positive law (statutes, precedents, and custom), plus the political and moral rights that are implied by the political and moral theory that best explains and justifies the positive law. The task of a superhuman judge, Hercules, is to construct and apply that political and moral theory in a hard case. There is, says Dworkin, always a correct legal answer to a hard case; reasonable lawyers might disagree about the content of the rights to be

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[4] For example, in Henry J. Abraham, *The Judicial Process* (4th edition, 1980) pp. 230–1.

[5] Robert Stevens, *Law and Politics: the House of Lords as a Judicial Body 1800–1976* (1979), p. 95.

[6] William Holdsworth, *History of English Law* (7th edition, 1956), Volume 1, p. 517. Similarly: John Campbell, *Lives of the Lord Chancellors* (5th edition, 1858), Volume 8, p. 15.

[7] H. L. A. Hart, *The Concept of Law* (1961), pp. 121–6.

[8] *Taking Rights Seriously*, Duckworth, 1977. New impression with appendix, "A Reply to Critics", 1978. Henceforth cited as *Dworkin*.

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applied, but that does not entail that the rights do not exist. Dworkin claims that his theory is descriptively accurate:

> "The thesis presents, not some novel information about what judges do, but a new way of describing what we all know they do. . . ."

It also has normative advantages, as he emphasises: if judges only apply pre-existing rights, there is no conflict, in hard cases, between adjudication and democracy, and no application of *ex post facto* law.

In Dworkin's jurisprudence, if judges fail to weigh rights correctly it is not because of any ambiguity in the question posed, nor is it because of any incompatibility between the rights at issue. There are only practical difficulties—failures to understand the question, defects in reasoning powers.

But the law is not a consistent body of principles, arranged, indexed and bound for easy reference. It embraces thousands of statutes, millions of judicial decisions. Some of those decisions are reported (some accurately, some not); some of the decisions are remembered by those who participated in them, or by those who know somebody who did; most common-law decisions are long dead, buried and forgotten. These decisions were made by judges who shared no common philosophy, or political beliefs, or jurisprudential ideology. The common law was constructed by judges of successive legal generations since 1189 (the date to which legal memory stretches back), men of different social backgrounds, whose only shared characteristic was their training as barristers. The common law has developed from the fortuity of events: the occurrence of accidents, the meetings of minds, the legal advice requested and given, the ability and the willingness of parties to bear the burden of initial litigation and appeals, or their preference for an out-of-court settlement.

It would be surprising, disconcerting even, if the result of this haphazard, unstructured body of decisions was anything other than a confused, unprincipled mass of case law that offers uncertain and conflicting guidance to the judge searching for a legal solution to a novel problem! The legal questions posed in *R. v. Sang, Rondel v. Worsley* and *Express Newspapers v. McShane* can no more be resolved "correctly" than can the political issue of whether Britain should have joined the European Economic Community, the economic issue of how best to cure inflation, or the moral issue of when, if ever, abortion is justified. In each hard case, be it legal, economic, philosophical, or political, choices must be made between irreconcilable values. The prototype for the judge should not be Hercules—but Shakespeare's Mark Antony: his passion is aroused by Egypt, his duty summons him to Rome; the choice between them is painful, and it will involve the abandonment of much that is valued.

It is for reasons such as these that one student of the law has rejected Dworkin's thesis that hard cases offer up correct solutions, and has concluded that:

> "Discretion exists so long as no practical procedure exists for determining if a result is correct, informed lawyers disagree about the proper result, and a judge's decision either way will not widely be considered a failure to perform his judicial responsibilities. . . ." [9]

Dworkin gives no reason why one should expect objectivity in determining the political and moral theory that best justifies the existing legal material. Socialists, liberals, and conservatives will each have their own theories purporting to explain and justify the existing statutes, precedents, and customs. Hence, in any hard case, the decision will depend on the spectacles worn by the judge when he identifies the "rights" of the litigants.

Lord Scarman began his opinion in *R. v. Sang*, by stating:

> "My Lords, the certified question, though superficially concerned with the exercise of a criminal judge's discretion as to the admission of evidence, raises profound issues in the administration of criminal justice. What is the role of the judge? How far does his control of the criminal process extend? It is his duty, as we all know, to ensure that an accused has a fair trial: but what does 'fair' mean in this context? And does not the prosecution also have rights which the judge may not by the exercise of his discretion override? These problems lie at the root of the criminal justice of a free society."

After consideration of some earlier cases, Lord Scarman said:

> "I can now answer the questions posed at the beginning of this opinion. The role of the judge is confined to the forensic process. He controls neither the police nor the prosecuting authority."

Lord Scarman is here developing a political and moral theory (or, rather, the part of such a theory relevant to the case in hand) that best explains and justifies the legal material. But his theory can be opposed by one that emphasises the need to deter the police from seeking to obtain evidence by improper or unfair means.[10] Such a theory can *also* be constructed from existing legal material—there *are* many precedents and statutes empowering and

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[9] Kent Greenawalt, "Discretion and Judicial Decision", *75 Columbia Law Review 359, 386* (1975).

[10] Compare *R. v. Sang* with the decision of the US Supreme Court in *Mapp v. Ohio* (1961 367 U.S. 643), which says that evidence obtained in violation of constitutional rights is inadmissible.

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obliging the court to control the police and the prosecuting authorities. Indeed Lord Scarman's conclusion that "the prosecution also have rights" is incompatible with Hercules' own theory (presumably derived from existing legal material). Dworkin insists,

> "The accused in a criminal case has a right to a decision in his favour if he is innocent, but the state has no parallel right to a conviction if he is guilty."

It is not always easy to ascertain exactly where Dworkin's theory is placed at any given moment. But he does appear to have conceded that a judge may be able to construct alternative political theories each of which is consistent with the positive law. He says that there are two criteria relevant to Hercules' task of constructing the ruling theory: its fit with the positive law (i.e. it must not say of too many past judicial decisions that they were wrongly decided), and its moral acceptability.[11]

Once we establish that *alternative* ruling theories are possible, it is unclear in what sense litigants can be said to have rights to a particular judicial decision in a hard case. A doctrine of judicial discretion is revived, albeit at a higher level.

DWORKIN INSISTS that judicial decisions in hard cases are and should be generated by arguments of "principle", that is, an argument showing that "the decision respects or secures some individual or group right." In adjudicating common law points, he says, judges should not consider arguments of "policy", that is, an argument showing that "the decision advances or protects some collective goal of the community as a whole." He accepts that judges may consider policy arguments when interpreting statutes. He justifies his dismissal of policy factors in common law cases by explaining that decisions generated by policy (unlike decisions generated by principle) are vulnerable to attack as undemocratic (because judges are not elected) and as the application of *ex post facto* law (that is, law created after the relevant acts of the parties).

In *Spartan Steel & Alloys Ltd. v. Martin & Co.* (1973 Q.B. 27), the defendants' employees had negligently damaged an electricity cable while digging up the road. This deprived the plaintiff company of electricity until the Electricity Board were able to repair the cable. The plaintiffs suffered a loss of profits, and sued for damages. In the Court of Appeal, Lord Denning (rejecting the claim in part) said:

> "At bottom I think the question of recovering economic loss is one of policy. Whenever the courts draw a line to mark out the bounds of *duty*, they do it as a matter of policy so as to limit the responsibility of the defendant. Whenever courts set bounds to the *damages* recoverable—saying that they are, or are not, too remote—they do it as a matter of policy so as to limit the liability of the defendant. . . ."

Dworkin contends that this decision is, at root, generated by arguments of principle, and not arguments of policy. He explains that the abstract rights of the parties have to be weighed to reach concrete rights relevant to the facts of the instant case. The economic and other consequences of a decision either way are properly considered in the weighing process without thereby translating an argument of principle into one of policy. The consequences to third parties may be relevant in weighing the abstract rights of the parties to the hard case. Still, it would be an argument of principle. The argument becomes one of policy, says Dworkin, only when the court takes into account "costs or benefits to the community at large."

As one critic has observed, the distinction becomes of limited importance if "policy" can so easily be translated into "principle."[12]

ONE CAN ALSO DISPUTE the descriptive accuracy of Dworkin's claim that courts eschew "policy" (as he defines it) in adjudicating hard common law cases. In *Rondel v. Worsley*, the House of Lords held that a barrister does have the immunity claimed. All five Law Lords expressly based their opinions on arguments of "public policy." Lord Reid identified the issue thus:

> "Is it in the public interest that barristers and advocates should be protected against such actions?"

Their Lordships concluded that such an immunity *is* in the public interest because barristers have a duty to the court as well as to their client; because actions for negligence would encourage barristers to lengthen their submissions and to give the client "safe" advice; and because negligence actions would involve the re-opening of the case in which the alleged negligence occurred. Whether or not one finds such arguments convincing,[13] they are based on a conception of public policy. Lord Morris stressed that the immunity is given

> "in order that a greater ill may be avoided, namely, the hampering and weakening of the judicial process."

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[11] "A Reply to Critics", in *Dworkin* pp. 340–41. See also Dworkin, "How to Read the Civil Rights Act" in *New York Review of Books*, 20 December 1979, p. 41.

[12] *74 Michigan Law Review 1167, 1179–83* (1976).

[13] See Brian Abel-Smith and Robert Stevens, *In Search of Justice* (1968), pp. 283–87, for a powerful attack on their Lordships' reasoning.

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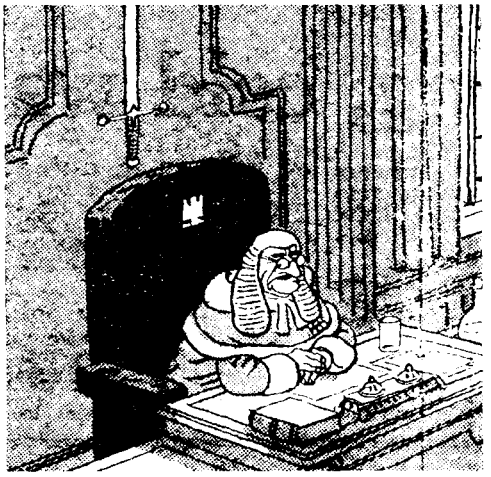
In *Rylands v. Fletcher* (1868 L.R. 3 H.L. 330), the House of Lords stated that where a defendant makes "non-natural use" of his land by bringing on to the land (and collecting and keeping there) anything likely to do mischief if it escapes, then if it does escape he is liable for all the damage which is the natural consequence of that escape. In *Rickards v. Lothian* (1913 A.C. 263), a case concerning the overflow of water from a top floor flat to a flat beneath, the Judicial Committee of the Privy Council defined the essential element of "non-natural use":

> "It must be some special use bringing with it increased danger to others, and must not merely

The Lord Denning Controversy



London

JUDGES IN BRITAIN *ought to have power to set aside new legislation on the ground that it was unconstitutional, Lord Denning, Master of the Rolls, said last night.*

Delivering the 1980 Richard Dimbleby Lecture on BBC Television, on the theme of misuse of power, Lord Denning asked whether there was any remedy if Parliament became guilty of abusing its power.

Under our constitutional theory Parliament was supreme. Every law enacted by Parliament had to be obeyed to the letter. No matter how unreasonable or unjust it might be, if it was clear on the point, the judges had no option but to apply it as it stood.

Lord Denning pointed out that nearly 400 years ago Lord Coke had said that

"when an Act of Parliament is against right and reason, when it is repugnant, or impossible to be performed, the common law will control it and adjudge that Act to be void".

LORD DENNING *went on: "That sapling planted by Lord Coke failed to grow in England. It withered and died. But it grew into a strong tree in the United States of America . . . the judges there constantly review legislation; and as constantly set it aside if it is against right and reason or repugnant to the constitution.*

"The longer I am in the law—and the more statutes I have to interpret—the more I think judges here ought to have the power of judicial review of legislation similar to that in the United States, whereby the judges can set aside statutes which are contrary to our unwritten constitution, in that they are repugnant to reason or to fundamentals. . . .

"I doubt whether Parliament could lawfully abolish the Second Chamber altogether. I would expect any such legislation to be challenged in the courts of law and for the judges to give a ruling upon it. . . .

"Suppose a future Prime Minister should assume to create 1,000 new peers with the avowed intention, as his next step, of abolishing the peerage? Would that be lawful? Would it not be contrary to the constitution? Would not the court interfere to stop it?

"To my mind the judges are the guardians of our constitution here, just as they are in the United States. The only difference is that our constitution is unwritten. Theirs is written."

Judges could, or at any rate should be able to, pronounce on the validity of conventions, such as those affecting the powers of a Prime Minister, and should be able to interfere if they were misused or abused.

LORD DENNING *said he would like to see developed in Britain the doctrine that the constitution should be what the judges said it was.*

Lord Denning raised the question of possible abuse of power by the judges. "It is their duty to administer and apply the law of the land. If they should divert it, or depart from it, and do so knowingly, they themselves would be guilty of misuse of power.

"Sed quis custodiet ipsos custodes? [Who will guard the guardians?]. . . .

"Suppose a future Prime Minister should seek to pack the bench with judges of his own extreme political colour. Would they be tools in his hand? To that I hope the answer is 'no'. So far as this country is concerned, hitherto every judge on his appointment discards all politics and all prejudices."

THE JUDGES *of England had always been, and he hoped always would be, "vigilant in guarding our freedoms. Someone must be trusted. Let it be the judges."*

THE TIMES *(London)*

LORD DENNING *in his public address on the restraining function of the judiciary, favours a reviewing power like that of the US Supreme Court to deal with laws passed by Parliament but contrary to constitutional practice or to individual liberty. The truth about British legal practice against which the Master of the Rolls, and others, have struggled is that it has an authoritarian strain. It violently dislikes*

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be the ordinary use of the land *or such a use as is proper for the general benefit of the community*" (my italics).

In *British Celanese v. Hunt* (1969 1 W.L.R. 959), Mr Justice Lawton cited the above case and said that the defendants, by manufacturing electrical components and storing metal foil on the premises had not made a "non-natural use" of their land.

> "The metal foil was there for use in the manufacture of goods of a common type which at all material times were needed for the general benefit of the community."

"Benefit to the community" was also considered in *Miller v. Jackson* (1977 3 W.L.R. 20). The plaintiffs sought damages and an injunction to restrain a neighbouring cricket club from playing cricket on land adjoining that of the plaintiffs, unless and until the club took steps to prevent cricket balls from being hit out of the ground into the plaintiffs' garden. In the Court of Appeal an injunction was denied (but damages were awarded). Lord Denning said:

> "This case is new. It should be approached on principles applicable to modern conditions. There is a contest here between the interest of the public at large; and the interest of a private individual. The *public* interest lies in protecting the environment by preserving our playing fields in the face of mounting development, and by enabling our youth to enjoy all the benefits of outdoor games, such as cricket and football. The *private* interest lies in securing the privacy of his home and garden without intrusion or interference by anyone.... As between their conflicting interests, I am of opinion that the public interest should prevail over the private interest."

Lord Justice Cumming-Bruce said that the court has to balance the plaintiffs' interest with

> "the opportunity of the inhabitants of the village in which they live to continue to enjoy the manly sport which constitutes a summer recreation for adults and young persons, including one would hope and expect the plaintiffs' son."

Miller v. Jackson implies a test expressed by Lord Justice Asquith in the earlier Court of Appeal case of *Daborn v. Bath Tramways Motor Co. Ltd.* (1946 2 A11 E.R. 333). In holding that a War-time driver of a left-hand drive ambulance had not been negligent in turning right after giving only limited signals, Lord Justice Asquith said,

> "The purpose to be served, if sufficiently important, justifies the assumption of abnormal risk."

The Court of Appeal in *Miller v. Jackson* decided that the playing of cricket is in the public interest.

Other judicial applications of arguments from community interest include the law of charity. The English law gives taxation and other advantages to charitable purposes. A purpose is charitable if it satisfies Lord MacNaghten's test in *Commissioners of Special Income Tax v. Pemsel* (1891 A.C. 531, 583)—it must be for the advancement of educa-

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challenging or conflicting with the Executive. It believes that laws once made are not for subjective interpretation as just or unjust, against liberty or for it. They are the flat unchallengeable utterance of the duly constituted authorities. The low point of the House of Lords came with Liversidge v Anderson *in 1940 when four out of five judges acknowledged the Home Secretary's discretionary right to detain without trial essentially on his own guidance. Lord Denning is the heir of the fifth judge! Lord Atkin in a great judgment remarked that he had heard arguments that morning which would not have been out of place in the Queen's Bench of Charles I.*

THE DIFFICULTY *with Lord Denning's idea of a revising, liberty-watching court is not the notion itself. There are too many people around in politics (by no means all on the Left) with autocratic impulses and fingers which itch for the decree. Alas, the* **lawyers** *are wanting to perform such a role. The House of Lords (as a judicial body) is employed almost full-time in reversing Lord Denning and his colleagues. His creative equity is intolerable to their narrow, neutral literalism and to their highly developed sense of subordination. Further, there will be no revising court because the politicians will not stand for it. If Mr Foot and Mr Prior are in essential agreement about the essential beauty of the Closed Shop. no libertarian jurist can unmake what they have created and endorsed.*

The Americans, with all their faults, have a better notion of law than we have. Their Supreme Court inherits certain duties towards the citizen and his freedom which to the British bar are airy speculation. The peremptory Executive is a central part and a bad part of a judiciary which has lost the habit of asking unwelcome questions.

DAILY TELEGRAPH (*London*)

London

MANY WILL *applaud Lord Denning's Dimbleby lecture [Lord Scarman writes].*

But it cannot be done without a written Constitution. And it is for the people's representatives to write the Constitution. Then, and only then, can the judges act to protect it.

IT SEEMS *[Ivor Bulmer-Thomas writes] that Lord Denning wants not the rule of law but the rule of lawyers.*

"SOMEONE *must be trusted. Let it be the judges."*

No [George Mikes writes]. Let it be Parliament.

THE TIMES

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tion, the relief of poverty, the advancement of religion, or "for other purposes beneficial to the community." In *National Anti-Vivisection Society v. I.R.C.* (1948 A.C. 31) the House of Lords held the organisation in question to be non-charitable because, *inter alia*, its objectives were *not* for the public benefit.

Finally, it is a well-established element of the law of contract that an agreement is not legally enforceable if it embraces an illegal or immoral purpose. Again, the *rights of the parties* are outweighed by *the public interest*.

THE NORMATIVE JUSTIFICATIONS for Dworkin's disavowal of "policy" are also more equivocal than he leads us to believe. Dworkin wishes to exclude policy arguments because, in his philosophy, rights cannot be defeated by the community interest; "policy" concerns the community interest; and adjudication is a dispute about rights. Dworkin may be on strong ground when he suggests that a right, by definition, cannot be defeated by mere public benefit. He is on less firm territory in arguing that when rights conflict, and are uncertain in definition and scope, then public benefit must be ignored in weighing the rights.

It is unclear why consequences to *third parties* can be considered in deciding hard cases, but not consequences to *the community at large*. The community is, after all, composed of a large number of third parties. Nor is it obvious why Dworkin has no objection to Hercules applying his own conception of public interest when deciding a hard case of statutory interpretation, but is so opposed to Hercules performing this task when a common law point is at issue.

Dworkin does not want the judge to be a deputy legislator in hard cases. He suggests that policy decisions are inferior to principled ones:

> "If a legislative decision benefits some particular group, not because that group is thought entitled to the benefit, but because the benefit is a by-product of a scheme thought to advance a particular collective goal, then others have no political right to the same benefit, *even if providing that benefit for them would, in fact, advance that same collective goal even further*" (italics in original).[14]

But Dworkin gives no reason why a legislature eager to advance a goal would provide the benefit in case *A* but not in case *B*. Such a method of Parliamentary decision-making would be termed irrational, and would receive as much criticism as irrational and arbitrary decision-making by judges. The application of "rights" is not the only activity in which consistency is valued.

Dworkin's repudiation of policy decisions is badly misleading for another reason. A judicial decision reached by consideration of policy factors *will* establish legal rights which a judge has a duty to respect in later cases. The decision in *Rondel v. Worsley*, though based on policy factors, creates an immunity-right for *all* barristers. Admittedly, public policy may change; but then so may the "economic consequences" that Dworkin sees as relevant to principled decision-making.

Dworkin's comparison of legislative and judicial policy-making is defective for another reason. He assumes that legislative decisions are similar to judicial policy decisions if both concern the evaluation of benefits and harms to the community. But legislators are politicians, elected by a constituency, serving an interest. Judges, on the other hand, are independent, uncommitted, and disinterested in deciding policy matters. Judicial policy-making may well be bad policy-making, and it is "undemocratic"; but it can still be principled in the sense that the judge intends to apply the same approach to all future analogous cases. The lack of consistency which Dworkin purports to discover in decisions which take account of policy factors arises, in truth, not from anything inherent in such decisions, but rather derives from the *identity* of certain classes of decision-makers.

DWORKIN'S THESIS, and its preoccupation with the enforcement of rights, ignores the possibility of other goals of adjudication. Should the judge disregard (except to the extent that they affect the rights of the parties) the claims of efficiency in industry (*Heatons Transport v. T.G.W.U.*, 1973 A.C. 15)? national security (*R. v. Secretary of State for Home Affairs ex parte Hosenball*, 1977 1 W.L.R. 766)? and family harmony (*Hoskyn v. Commissioner of Police for the Metropolis*, 1978 2 A11 E.R. 136)?

Policy factors *are* considered by the courts. This is not to suggest that the court has, in the cases cited, necessarily reached acceptable conclusions on how best to advance the community interest. Rather, it is to emphasise that judicial conceptions of the public interest are applied, and that it is proper that such matters are considered by a court. If the community is willing to provide a State service to disputing parties to enable them peacefully to resolve their dispute, is it unreasonable that the judge should pay some attention, in deciding a hard case, to the interests of the community?

ONE SHOULD NOT EXAGGERATE the number of hard cases that occur in a legal system. Ben-

[14] "A Reply to Critics", in *Dworkin*, p.321. Similarly, *Dworkin*, pp. 113–5.

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jamin Cardozo (a Justice of the US Supreme Court, 1932–38) said that "Nine-tenths, perhaps more, of the cases that come before a court are predetermined. . . ."[15] And for every case that comes to court there are thousands settled out of court because the law and its application are clear.

In *Duport Steels Ltd. v. Sirs* (1980 1 W.L.R. 142), the Court of Appeal granted an injunction to restrain the striking steel unions (of the nationalised B.S.C.) from calling out on "sympathetic" strike the employees of private steel companies. The Court of Appeal held that it had become a political dispute, not a trade dispute. The House of Lords disagreed. They held that the case was *not* a hard one. Lord Diplock noted that counsel for the private companies had conceded that the reasoning of the Court of Appeal "cannot rationally be supported" (though counsel did, unsuccessfully, produce other arguments). It is the fact that the case was *an easy one* (in the sense that it gave one correct legal answer) that explains Lord Diplock's assertion that "Parliament makes the laws, the judiciary interpret them."

But, as we know, judges are, on occasions, required to do much more than interpret laws. They are asked to resolve disputes to which there is *no* correct legal answer. Some such cases raise, as we have seen, issues of fundamental social, moral, and political importance. (Many do not—the House of Lords has a largely unnourishing diet of cases concerning the construction of settlements, partnerships, and contracts, and the interpretation of taxing statutes.) However such hard cases are decided, new law *will* be created. It makes no difference that the English legal system has no written constitution. The anger of the American "strict constructionists" at the radical decisions of the Warren Supreme Court and the more recent insistence of Lord Devlin[16] that the House of Lords should only make law within the "consensus" both suffer from the same error: they fail to see that there is no jurisprudential reason (though there may be political reasons) why the laws made in hard cases should necessarily be conservative ones, or radical ones.

JUDICIAL DISCRETION is not confined to deciding novel points of law in hard cases. Sentencing offenders, granting or refusing equitable remedies, and awarding costs also involve the exercise of discretionary judgment. To argue that judges do have discretion is not to imply, along with Judge Jerome Frank, that judicial decisions depend less on settled law than on what the judge ate for breakfast. Only some cases are hard cases. And there are constraints on judicial decision-making even in those hard cases: some solutions are legally wrong (because previous binding decisions clearly say so). But there remains, in each hard case, a pool of acceptable legal solutions. The judge can seek to disguise the problem, and rest his judgment on a narrow legalism that leaves unstated all but the legal criteria. Or he can acknowledge that legal criteria do not resolve the issue, and that resort is had to non-legal criteria. In the words of Oliver Wendell Holmes (Justice of the US Supreme Court, 1902–32):

> "Where there is doubt the simple tool of logic does not suffice, and even if it is disguised and unconscious, the judges are called on to exercise the sovereign prerogative of choice."[17]

THE PATHWAY to a modern philosophy of adjudication has not been laid by English judges. There is a shameful absence of notable contributions by our judiciary (at least since Sir William Blackstone, a judge from 1770–80) to the advance of legal philosophy. It may be that, as Mr Justice Roche suggested to Harold Laski in the 1920s, our judges were "vaccinated against the dangers of speculation by their careers at the Bar." Or perhaps they work longer hours than their US counterparts. Whatever the reason, it is the giants of the American bench, Holmes, Cardozo, Frank, and Frankfurter (the latter a Justice of the Supreme Court, 1939–62), who have illuminated the problems of adjudication.

There are some English judges who, in the words of Lord Reid, continue to "believe in fairy tales."[18] Harold Laski wrote to Oliver Wendell Holmes that when Laski told Mr Justice MacNaghten of Holmes' philosophy of law, MacNaghten (a very undistinguished judge) replied that "no damned nonsense about complexity" was going to obscure *his* judgments.

But like Moliere's M. Jourdain, and his belated discovery that he had been talking prose all his life, most English judges have acknowledged that they do perform a law-making role in hard cases. As yet, there has been little, if any, attempt to consider what consequences this new jurisprudential wisdom has for judicial administration and for the procedure and substance of judicial decision-making in hard cases. Lord Diplock has remarked of judicial law-making that "little conscious thought has been given to analysing its methodology."[19] As Lord

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[15] Benjamin Cardozo, *The Growth of the Law* (1924), p.60.

[16] Patrick Devlin, *The Judge* (1979).

[17] Oliver Wendell Holmes Jr., *Collected Legal Papers* (1920), p. 239.

[18] James Reid, "The Judge as Lawmaker", *12 Journal of the Society of Public Teachers of Law 22* (1972–73).

[19] *Dorset Yacht Co. v. Home Office* (1970 A.C. 1004, 1058).

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Reid has said, "We must accept the fact that for better or for worse judges do make law, and tackle the question how do they approach their task and how should they approach it. . . ."

What is involved here? Nothing less than the English legal system's method of appointing judges (almost exclusively from the ranks of practising barristers); our reluctance to create Judicial Performance Commissions to investigate complaints about judicial misdemeanours; our refusal to give judicial decisions the publicity and criticism directed at House of Commons debates. These are all relics of a discredited jurisprudential theory that ignored the non-legal criteria relevant to judicial decisions in hard cases. A career judiciary, knowledgeable about economics, penology and philosophy, as well as law, trained by an apprenticeship served on tribunals and lower courts, would, perhaps, better cope with the dilemmas of choice faced in hard cases than does the present judiciary, put on the Bench late in life, without any training, and after a lifetime of drafting pleadings in chambers and arguing nice points of law in court. In Shakespeare's *Measure for Measure* (I, i, 48–50), when the Duke appoints him a judge, Angelo suggests:

> *Let there be some more test made of my mettle,*
> *Before so noble and so great a figure*
> *Be stamped upon it.*

The present system of judicial appointments is the worst possible. It excludes from the Bench law professors, solicitors (although here some progress has been made) and anyone else who has not, until summoned by the Lord Chancellor, served his clients and his clerk in Lincoln's Inn, Gray's Inn or the Temple. It is scarcely surprising that a body of men from so narrow a range of experience constantly demonstrates its inability to make decisions that are justified and justifiable by norms other than those of the abstract legalism to which they have become devoted. To justify the exercise of judicial discretion (in deciding hard cases, sentencing offenders, granting equitable remedies) to the non-lawyer, and to ensure his respect for the decisions by which he is to be bound, it is essential that judges cease to be a priestly caste elevated from those who have served an apprenticeship in the legal faith. The widening of the ranks of candidates for judicial office is unlikely to dilute the legal quality of judicial decisions, and it would immeasurably improve their non-legal merits.

WE SHOULD ALSO CONSIDER the introduction here of the *amicus curiae* brief, as well as the so-called Brandeis brief, two devices recognised by the US Supreme Court to ensure that the court is adequately informed about the relevant non-legal criteria of choice. The Brandeis brief originated in the arguments presented by counsel, Louis Brandeis (a Supreme Court Justice, 1916–39), to the Supreme Court in *Muller v. State of Oregon* (1908 207 U.S. 412). Brandeis was arguing for the constitutionality of a statute which prohibited more than a 10-hour working day for women in factories and laundries. As well as making submissions on the relevant legal authorities, Brandeis submitted a brief replete with citations of domestic and foreign reports, committees and legislation, the opinions of experts, plus an analysis of the likely consequences of a decision either way.

The American Supreme Court is well aware that any decision it makes will affect the welfare and the pockets of those not parties to the case. Hence, with the consent of the litigants and/or the court, there is admitted evidence from groups and individuals interested in or concerned by the case but not parties to the action—this is the *amicus curiae* (friend-of-the-court) brief. In *University of California Regents v. Bakke* (1978 438 U.S. 265), on the legality of "reverse discrimination" in favour of minority groups, it would have been inadequate to decide the issue after hearing only the complaint of an aggrieved white applicant to a medical school and the response of the school defending its policy. The Court accepted briefs from civil liberties groups, other educational institutions, and organisations representing Blacks, Jews and other minority groups. The *amicus curiae* brief is not unknown in the English legal system; but its use is confined to cases where one party is unrepresented, or where a branch of the Executive wishes (because of the importance of the issue) to put its submissions before the court. The absence of *amici curiae* briefs meant that the issue in *R. v. Sang* was decided after hearing only the arguments of the Crown and the appellant offender. No legislative body would decide such an issue after such narrow argument. The Law Lords would have benefited from hearing the opinions of the Police Federation, civil liberties groups, and other interested bodies.

The absence of Brandeis briefs and *amici curiae* briefs ensures that discretionary decisions are based on inadequate information. Robing-room gossip takes precedence over unpleaded fact. Hence, in refusing an application for leave to appeal against a prison sentence for social security fraud, Lord Justice Lawton said in the Court of Appeal last year that the habit of working while claiming benefits was "rife from one end of the British Isles to the other." His only source for this assertion (which may or may not be correct) was that he knew of one such case ". . . in my own village in Cornwall" (*The Times*, 26 February 1980). The improved briefing of the judiciary is demanded not merely by an abstract goal of improved judicial decisions (desirable though that is). It is also essential if, in a literate, informed society, judges and their decisions are to retain the

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confidence and respect of litigants and laymen. If judicial decisions are seen to be based on all the evidence, not only the hitherto legally relevant evidence, the Bench can provide a useful public service in stating authoritative, impartial answers to complex public problems.

New jurisprudential theories demand the reform of the substance as well as the procedure of judicial law-making in hard cases. Is there any reason why, if the law provides no right answer, the judge should not attempt to reach the decision which, in his opinion, is the best decision all things considered? Of modern judges, Lord Denning has led the way in this respect as in so many others. (Though, as we have seen in *Duport Steels Ltd v. Sirs*, his enthusiasm sometimes results in him applying this approach to easy legal cases, at the expense of the correct legal decision.) In *Dutton v. Bognor Regis U.D.C.* (1972 1 Q.B. 373) the plaintiff claimed for the costs of repair to her property caused by the negligent inspection of the foundations by the local council's employee when the property was built. Lord Denning said,

> "This case is entirely novel.... The time has come when, in cases of new import, we should decide them according to the reason of the thing."

In *R. v. Sheffield Crown Court ex parte Brownlow* (1980 2 W.L.R. 892), a case concerning the interpretation of the Courts Act 1971, Lord Denning suggested that

> "whenever you have a choice between two interpretations, the choice is a matter of policy for the law: which gives the more sensible result?"

However it is difficult to support Lord Denning's opinion that "nine times out of ten you will find that judges will agree on what is the sensible result." This begs the difficult—and, to lawyers, embarassing—question of how judges are appointed and trained.

DWORKIN'S THEORY OF ADJUDICATION (despite all the eloquence and wit of its propounder) is a dangerous red herring. By postulating the existence of correct legal answers to hard cases, it seeks to deny any conflict between adjudication and democracy; it encourages the judge to ignore the community interest; and it attracts attention away from the need for reform of the methodology of adjudication. It is for these reasons that Ronald Dworkin is not quite "the Luther of jurisprudence" awaited by Jeremy Bentham. It remains true, at least in the context of adjudication, that

> ". . . no penetrating eye and dauntless heart have as yet searched into the cells and conclave of jurisprudence."[20]

[20] Jeremy Bentham, *Works* (ed. Bowring, 1843), Vol. 7, p. 270.

Father

They open him. They take
The blossom of disease.
They close indifferent lips
On what is done.

His visitor, I bring
The two clenched hyacinths
My wife chose saying
He can watch them open.

Thank you and, as I leave,
Give the children my love.
Oh fond reserve between us
Open, open, open....

I drive home late. The map
Lies closed beside me.
Father, even in this dark
We dare not touch.

John Mole

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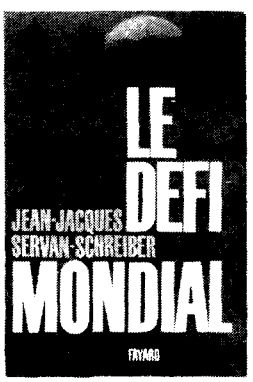
NOTES & TOPICS

European Diary

Letter from Paris

Servan-Schreiber's "Challenge"

Paris



THE CHALLENGE of the Third World first sounded about 30 years ago, at the point when the newly decolonised nations discovered that history contained no kind of built-in justice factor to link political independence immanently with the solution of economic problems. That realisation produced the vague and clumsy coinage "under-development", itself soon usurped by the woolly euphemism "developing"—hypocrisy propping up vanity. The economic lags and even setbacks of the poor countries grew increasingly intolerable for them during the third quarter of this century as they watched the developed nations going through a period of unparalleled rapid growth and prosperity.

Then, during the 1970s, came the rise in the price of energy, due not only to political contingencies but also to the exponential rise in demand, itself triggered by industrial expansion and rising standards of living. That rise had three decisive effects. The first was economic crisis in the developed nations (though of course this was reinforced by various other factors). The second was the aggravation of the difficulties of the poor countries, which were left less able than before to afford the energy essential for their own development. The third was the sudden casting of the oil-exporting countries in a leading role in the world economy, not only because they control the principal source of energy but also because their consequent affluence gives them a major share in the control of investment too.

The convergence of these three facts creates a new situation which Jean-Jacques Servan-Schreiber calls *le défi mondial*, "the world challenge." His idea is to link them together, funnelling into the Third World the dollars which the industrialised countries are now paying to the oil-exporting countries (most of which are also still "developing"). That would mean instituting a kind of global Marshall Plan whose aim would be to equip the poor countries with the modern technology they need in order to develop. And here comes Servan-Schreiber's *caveat*: not, he insists, just any old technologies.

THE MOST ORIGINAL argument in *Le Défi mondial*[1] is that the Third World can and must leapfrog one stage, the classic industrialisation stage, and move directly into the computer and microchip era whose currently most advanced and innovative exponent is Japan. Certainly there is nothing new in saying that developing countries have to take care not to copy the heavy 19th-century industrialisation models of Europe and North America. What is new, though, is advising them to make straight for "the post-industrial society", a society based on information and data-processing, and to do it with the help of the petro-dollar. It is an interesting, even exciting point of view.

BUT IT IS NOT possible to assess the practical value of any proposed remedy for underdevelopment except in relation to a given notion of its causes. Choosing the cure—especially one which is intended to be taken on a world-wide scale—requires agreeing on the diagnosis. Yet there is no agreed analysis of the causes of underdevelopment, and consequently no agreed solution either. Let me examine a few of the explanations most often advanced, and some of the questions most readily evaded, in this tangled forest of "challenges."

The standard Third-Worldist explanation blames underdevelopment on "the rape of the Third World" by the rich countries and on "disparity in the terms of exchange." Thus the President of Zambia, Kenneth Kaunda, informs JJSS that his country is poor because the rates of its main exportable commodity, copper, are "fixed by the big companies" and "have kept on deteriorating." This is a superb example of Third World self-delusion. In fact the United States is still easily the world's leading producer of copper and has nothing to gain by keeping its price artificially low; any more than does Canada, the third largest producer; the USSR, the fifth; or Poland, the sixth. The truth is that the bulk of the world's copper is not located

[1] To be published simultaneously (almost) in French, German, Italian and English.

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in the Third World, so it is not a plot against the latter which determines its fluctuating rates—rates which sometimes rise as suddenly as they have fallen. From 1973 to 1974, the price nearly quadrupled; from 1979 to 1980, it doubled. Manna alternates with famine. But Kaunda seems incapable of garnering the manna when it is offered, or at least of using it on behalf of his country, the world's fourth biggest producer. The real problem here is the Zambian president's fitness to rule: he is warm, brotherly, good-hearted, the only chief of state, to my knowledge, who is easily moved to tears—but give him three weeks, and he would bankrupt even a Switzerland beyond recall.

IN 1975 a United Nations commission made up of experts drawn both from the wealthy western countries and from the Third and Communist worlds produced a report on raw materials and "the terms of exchange." Its conclusion was clear-cut: that there has not been any long-term "deterioration in the terms of exchange." The world shifted from cheap energy to expensive energy around 1970 because with industrialisation spreading (and living standards rising) in the developed countries, demand kept right on soaring in relation to supply. It is always forgotten that whereas the developed countries certainly are big consumers of raw materials, these raw materials would be worth less if there were no industrial demand from the developed countries. Between 1950 and 1975, average raw material prices rose at roughly the same rate as the price of finished products, the commission stated. And its main recommendation was to flatten out cyclical price fluctuations in order to stabilise revenues, instead of condemning a mythical deterioration. Yet propaganda is so habit-forming that even after the report it is the theme of "deterioration in the terms of exchange" which has continued to dominate. And behind propaganda, of course, there is politics.

In Southern Africa two near neighbours of Zambia, Mozambique and Tanzania, are suffering economic decline because of certain drastic ideological choices, and especially the decision to collectivise agriculture. Angola is in decline because there one foreign occupation has succeeded another, and the country is accordingly ravaged by civil war. These examples (let alone a case like that of Cambodia) show that it is practically impossible to put the question of development in purely economic and technological terms, which require removing what are often the preponderant factors of politics and ideology. Arms expenditure is condemned for squandering money which would be better spent on the struggle against poverty. But isn't that expenditure the outcome of a political choice, and one which is not only the prerogative of the big powers? (One has only to think of the present heavily-armed altercation between Iraq and Iran.) Whether on the regional or the global scale, national self-assertion would seem to come before concern for human happiness, and Third World leaders' craving for power and domination sometimes pre-empts the human needs of the populace.

For 30 years, all the literature on development has omitted this simple detail, even though it has continually intervened to disrupt the most rational or well-meaning of plans. It is an omission reminiscent of those old-time textbooks of anatomy and human physiology designed for use in religious schools, where the sexual function was always scrupulously ignored.

MANY COMPETENT and disinterested experts on world poverty often stress the sterility of the East-West confrontation in the context of the necessary collaboration between North and South. But unfortunately that is not how the question stands, and the choice is not a real one. To argue that "the North-South dialogue" ought to eclipse East-West antagonism has a certain romantic logic, but carries no practical meaning. It is hard to see why the existence of poverty in the Third World should inhibit the Soviets from wanting to extend their hegemony into Western Europe. The two phenomena are unconnected. Furthermore, far from bringing the totalitarian systems closer to the democracies, the Third World provides a battlefield for their rivalry; and the Soviet Union has seen the "North-South" question in this light for a very long time. In point of fact, in the last article he published before his paralysis (4 March 1923), Lenin said:

> "The outcome of the struggle finally depends on the fact that Russia, India, China, etc, form the vast majority of the population, which for some years now has been drawn unbelievably quickly into the struggle for its emancipation. In this respect there can be no shadow of a doubt as to the final outcome of the struggle on a world-wide scale. In this sense, the ultimate victory of socialism is absolutely and completely assured."

That victory is indeed a possibility, but if it does come about it will not be a victory for development. In one of the most interesting chapters of *Le Défi mondial*, Servan-Schreiber states one basic dilemma. If Western technology does not help the USSR to exploit its Siberian oil deposits (he says), then Moscow will be more and more driven into an expansionist policy in the Arab-Persian Gulf, in order to cover its own oil needs. And if we do help the Soviet Union (whose petroleum technology is 25 years behind) to become autonomous in oil production, we increase its power and give it the means to pursue its policy of hegemony. Which do we choose? Both alternatives are bad for the West and indeed for the Third World. Servan-Schreiber

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opts for the first and gives no consideration to the second; and yet if there is one theory which has been pulverised by the facts during the last decade it is surely the approach which saw the West's provision of financial, economic, and technological aid to the USSR as the liberalising means of rendering communism "peaceful" and "prosperous."

The political factor also comes into play in the domestic policy of every country in the Third World. After all, there are several ways of running any country, whether it is run well, indifferently, or downright badly. It is not evident why this should be any less true of developing countries than of others. And here again is a question shunned by the literature of development, as if the irresponsible actions of those in responsible power become a matter of indifference once we consider the governing of a poor country. If it was enough to have oil, oil revenues to invest, and the technology for "take-off", then Mexico, for example, would no longer be a poor country. Oil has been nationalised there since 1938; and industry has been developing in several key sectors for 30 years. It was 1973 when the average per-capita income rose above the classic 1,000-dollar threshold which is supposed to produce "take-off." Yet this process has left behind a good half of the population which possibly is living in even poorer circumstances than it was a generation or two ago, because agriculture is stagnating and poor peasants are flocking in their

J.-J. S.-S.

Zurich

THE *moral challenge of a soldier's wartime conscience, which Jean-Jacques Servan-Schreiber described in his first book, "Lieutenant in Algeria", was as nothing compared to the appeals and demands of his best-selling book on "The American Challenge" and the great global cry in his new book, simultaneously launched in 15 countries. All the spiritual stimulation and scientific solutions taken together surely give us something to be getting on with—the ethical fibre of his native land, the well-being of modern post-industrial society, the very survival of the great globe itself. No wonder most critics in most countries have found it a bit of a muchness: I have just been reading the most devastating of critiques in "La Quinzaine littéraire" by Bernard and Jerome Cazes who know something about the subject.*

The reaction to the book suggests, if the matter needed any underlining, the vast turning-away in the West from uncritical Third World posturing which began slowly in the early days of President Truman's "Point Four" programme to the organised chorus of voices dinning in the halls of the UN. Honest observers simply do not accept that there is a real historic Bloc out there, and certainly do not accept the Servan-Schreiber thesis of some kind of unity which binds together oil-rich Arabs with the abject poor. But even the smallest of details, once so carefully formulated by the old Editor of *L'Express* and the erstwhile commentator of *Le Monde*, now slip away in a mess of pop pap. Feisal is a leader with "an eagle's countenance, a fearful ineluctable look. . . ." The Arab world—all of it presumably, and singular in united will—"is as open now to what the future will bring as it was bound in the past to everything that was great and worthy. . . ." Armand Hammer, the American oil billionaire (whose feeling for the refineries of life includes the MSS. of Leonardo da Vinci), is "a tiger" of a man "who even 50 years ago was of help to Lenin. . . ." His attorney and East-West tradesman in Paris, M. Samuel Pisar, is also a far-sighted fellow. (In a recent TV programme Pisar actually predicted that Western help for Soviet car production would create a new motorised consumer class, and with the millions of automobiles would come tens of thousands of miles of new highways, and on all those highways would bloom a whole new world of Snack-bars and Motels . . . !)

PERSONS AND EVENTS *are seen with the same "fearful" look. We are told that Israel knew exactly when Sadat was to launch his Yom Kippur war, but under the instructions of Dr Kissinger only pretended to be surprised. The book is crowded with the unprovable in support of the irrelevant; and when at one point the author suggests that his long book may be just a bit too long, for once how right he is! "Inside dopesters" is what David Riesman once called the self-appointed* cognoscenti *who seem not only to have all the sources, but to be at the very source itself. Here the author knows what Tito and Indira Gandhi and all the other powers-that-be said to each other, and is also in a positon to quote them verbatim.*

STILL, there may be something to be said for the whole enterprise. Who does not share the sense of urgency about alarming the whole apathetic world to looming dangers? And who has not been tempted to break out of the confines of small, intellectual audiences and reach millions of possible readers? There is a vaulting vision here, and an historic victory to be won: the reconciliation of the West and the South (there is nothing here about the Communist East), thus saving peace, prosperity, human hope.

No mean task for an ambitious publicist; but the realities may just not be so. What if there is no such thing as "the South", or le tiers monde, *or the Third World? Perhaps what we have to deal with is something much less dramatic, more mundane; a plurality of different peoples and economic crises often caught less in a problem of "development" than (as in Uganda, Tanzania, etc.) in a misery of "backwards-developing" societies . . . ? And what if the probability*

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thousands each day to cram the capital city's slums and shanty towns. Not that I am advancing any easy solution—far from it. I would merely point out that events do not always confirm the equation: oil plus capital plus technology equals development. Consequently there must be other curbs at work than simply the possible absence of one or another of these three factors.

THE BOLDEST and most stimulating thesis of *Le Défi mondial* is the proliferation of microchip and computer science as the solution both for unemployment and for under-development. Is it also a realistic thesis? Once more, yes, if we were living in a rational universe; but very much less so, given that we live in a world full not only of "sound and fury" but also of fear, lies, and stupidity. JJSS is, I believe, right to insist that computer science is creative rather than destructive of jobs. But who understands that fact today?

A third oil shock could only intensify the distress of the Third World, because each time it is the weakest economies which are hardest hit by every new rise in the price of energy.

As for Arab dollars, the Iraq-Iran war has sent them hurrying faster than ever into Swiss and German banks rather than to the poor regions. In any case, oil money has been going into the big banks for some time, to be borrowed and then lent out again by the International Monetary Fund and the World Bank. The Arabs prefer to be creditors of banks rather than of nations; and this is understandable, considering the insolvency of the greater part of the Third World (at present in debt to the tune of 450 thousand million dollars).

I am afraid we are a long, long way from the strategy and spirit of the old Marshall Plan.

Jean-François Revel

Rides Again

is dismally high that all that marvellous new technology, which is supposed to help the poor peoples make a great Utopian leap forward, will be distorted and exploited by a hundred ruling élites for their own power purposes? Strange to see in Paris, of all places, the political factor being so utterly overlooked.

I simply do not as a reader know what to make of an argument which constantly tells me that "the Third World wants..." and "the Third World feels...." It does not become any more meaningful when, since the Brandt Report, it becomes the wishes, aspirations and demands of "the South." True, in some international conference of diplomats something called "the Group of 77" presents some urgent resolution or other to be passed; but then Cuba begins to roar a dissent in the name of "the socialist bloc", and fissiparous tendencies reassert themselves. When the simple fact of the matter is that the Palestinian question has not proved strong enough to unite the Arab world which now has its eyes fixed on an intra-Moslem war between Iraq and Iran—or does this also have to do with "Western greed" and the South's need to "attack poverty"?—then the cosmic notion of a Unity which links Latin America with Africa and Asia (including the Indian sub-continent and the micro-insular world of the Pacific Ocean) must be seen for the fantasy it is. No amount of facts and figures about the technology of electronics and computers will make a "world-processor" out of this. Realities have to be programmed in before there is any hope of reality coming out.

Not that Servan-Schreiber doesn't come up here and there with something interesting and dramatic; he is, after all, a man of many qualities who has often been courageous as well as unconventional. But form here just triumphs over content. All the popularisers from Vance Packard to Alvin Toffler seem to be learning more from each other than from the actual shape of developing things. We are simply being totally over-challenged. The sensational argumentation belongs to a new literary genre—works of the Eco-imagination, or social-science fiction.

François Bondy

In the Vatican

The Pope, at Home

"SOMETIMES", Angelo Guiseppe Roncalli is reported to have said, "I think of a problem in the middle of the night, and I say to myself, I must remember to speak about that to the Pope. And then I remember that I *am* the Pope."

Of all contemporary human fulfilments, that of waking up to be the Holy Father must surely be the most astonishing. To be Queen of England, to be Frank Sinatra, to be Brezhnev, Picasso, or Ronald Reagan—all these destinies would seem flat and ordinary, beside the realisation that you are 265th in the line of succession to St Peter, that multitudes across the world will gratefully kneel to touch your hem, that your homily that morning will be quoted through the continents, and that you are the head not only of a mighty faith, but also of your own political State, your own private, docile, generally indeed subservient fief, the Vatican.

When in 1871 the forces of the new Italy overran the Papal States and occupied Rome, Pope Pius IX explained to the French Ambassador the nature of his territorial needs. "All that I want", he said, "is a

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small corner of the earth where I am master. . . ." So saying, he settled into Vatican City, the 100-odd acres of rising ground that abut the Basilica of St Peter, and there came into being the most extraordinary of the world's States: a State complete in almost every respect, with its own diplomatic corps, its own flag, its own stamps, its own army, its own press and radio, and above all its own particular brand of power. "How many divisions has the Pope?" sneered the dolt Stalin, and the world has mocked him for it ever since.

THE VATICAN is a mystery to most of us. The furthest we generally get towards penetrating its wonders is a Mass in St Peter's, a tour of the Vatican museums and the Sistine Chapel, perhaps a glimpse of the Pontiff at his fourth-floor window above the piazza, mouthing muffled exhortations into the Sunday air. The very shape of the enclave is baffling enough—higgledy-piggledy behind the great façade of the Basilica, built this way and that over the slight rise of the Vatican hill in an enigma of tiled roofs and hidden gardens.

A kind of insight is now afforded by a sumptuous book of photographs, *The Vatican*,[1] in which the images of the great Swiss photographer Fred Mayer have been bound up with explanatory essays by six authors of varied nationality and capacity. It is hardly an exposé, or even an insider's view. Mr Mayer tells us that, having obtained a permit to photograph the Vatican railway station, he was obliged to get another one when a train turned up, and yet a third when, horror of horrors, he began to take pictures of it being loaded with freight. I get the feeling that the book has been disentangled painfully from infinite webs of bureaucratic obstruction, and most of the writing seems to rely heavily on hand-outs and previously received wisdom.

Still, if it reveals no secrets of the Curia, explores no forbidden archives of Jesuit or Inquisition, it is certainly the most beautiful of mementos for those who have ever fallen under the tantalising spell of the Vatican—it is no surprise that this English edition is published in Dublin, where whole congregations of the faithful will doubtless invest in it. It takes us far nearer the heart of the puzzle than we have ever been before. Through marvellous halls and corridors we glide soft-footed in these pages, in the company of cardinals and ambassadors. We sit in conclave beneath Michelangelo's celestial ceilings; we investigate priceless manuscripts in stupendous libraries; from the high galleries of St Peter's we look down in heady privilege upon the pomp below.

Now we spy affectionately upon Archbishop Slipyj of the Ukraine, reading his breviary in the shade of the cypresses; now we eavesdrop upon Cardinal Villot the Secretary of State and Monsignor Casaroli of the Council for the Public Affairs of the Church, as they discuss the state of the faith beside the palms. We examine the design of a new Vatican stamp issue, accompany two Japanese Shinto priests on a tour of the premises, wait with the Queen of Denmark for an audience with the Pontiff, swear loyalty with the Swiss Guard (provided we are male, Swiss, Catholic and 5-foot-8½-inches tall). One day we descend to the catacombs beneath the high altar of St Peter's, the next we rise into the sky for a magnificent prospect of the whole peculiar place, squashed there within its battlements, and linked with the Tiber by the ugly Via della Conciliazione with which, in the 1930s, Mussolini symbolised the final pact between Roman Church and Italian State.

It is a fascinating tour, supplemented by essays ranging from the simply admirable (Peter Nichols on daily life in the Vatican) to the virtually unreadable, at least in translation (Hanno Helbling on *Sacerdotium* and *Imperium*); and it really does leave you with the feeling that you have in some way evaded the security guards, cut through the red tape, and had the chance to loiter around these hidden yards and palaces for yourself. Mr Mayer is a photographer of wonderful subtlety, and the book (which smells as rich as it looks) has been impeccably printed in Switzerland. It carries, I notice, no imprimatur, but I cannot think the Holy Office will have it burnt.

AND YET what doubts and muddled conjectures are raised by this grand souvenir! When John XXIII woke up to his situation that night, and looked from his bedroom window upon those terrific scenes outside, did he have qualms, I wonder, about his state of grace? Was all this splendour what he really envisaged when, innocent and devoted, seventy years before, he left his peasant home and walked for the first time into his seminary? Do these gorgeous works of art, these incomparable collections, really add up to an emblem of his vocation?

I have to say that my first reaction to this book, when I had recovered from the magnificence of it all, was one of faint amusement. When all is said, what a ridiculous spectacle the Vatican offers! Thrilling indeed the inspiration of the detail, preposterous the achievement of the whole. Nothing could really be much sillier than the Vicar of Christ swishing around his palaces in those flamboyant costumes of his, swept through St Peter's Square in

[1] *The Vatican*. Photographed by FRED MAYER, texts by PETER HEBBLETHWAITE, HANNO HELBLING, VICTOR J. WILLI, PETER NICHOLS, D. REDIG DE CAMPOS, RIMONDO MANZINI. Gill & Macmillan, £18.00.

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his Mercedes (registration *SCV 1*), or whisked into the air in his Papal helicopter (courtesy the Italian Air Force).

Nobody could look much more footling than the Swiss Guardsmen who constitute the armed forces of the Vatican. Their uniforms may be traditional and picturesque, but they *are* rather funny, and their flabby Swiss faces, their pikes, and the be-spectacled solemn burgher who commands them in these pictures would certainly have given old Uncle Joe a horse-laugh or two.

No assembly could really look much more grotesque than the college of cardinals assembled here for the funeral of Paul VI. They are sitting beneath the gigantic columns of the Basilica façade, backed by surpliced acolytes and halberdiers, and in their flowing robes and towering mitres they look like so many queer little forest insects all in a row—such tremendous swells at home in their own cathedrals, such little beetle-beings here in the citadel of their convictions.

For the very size of everything adds to the comedy. There is a picture here of a solitary Swiss Guard in his parti-coloured bloomers standing guard in the Sala Regia, built especially for the reception of kings. 5′8½″ he must be, but he looks a dwarf in that immense chamber, and he is supervised by gargantuan pictures of sea-battles, Venetian pageantries, and other such expressions of Christian idiom. He looks lost down there, and with reason: for if ever he was asked to explain just why he was keeping vigil there in his expensive fancy dress beneath those vast portrayals of circumstance and belligerence, there in the very shrine of the Sermon on the Mount, he might well be at a loss for a reply.

And consider the megalomaniac splendour of St Peter's itself! Far, far below the baldachino, we are assured, lie the bones of the poor martyr himself, crucified upside-down, it is said, upon this very ground; but what a stupendous mass of hubris, what a Christian pyramid, has been erected above it, ablaze with gold, writhing with statuary, its very holy water upheld by cherubs of gigantic limb and feather! Cheops would have marvelled: Christ would surely have despaired—or laughed, perhaps, for truly this is the ultimate theatre of the absurd. From the manger to the gilded baldachino! From the ass to *SCV 1*!

AH, BUT IT IS, I am sure to be told, a triumphant expression of faith: the glory of God is enhanced by the majesty of the Vatican.

The question is, *what* God? The most disturbing pictures in this book are of nuns on pilgrimage to the Papal presence. Twelve thousand of them were received in one audience, many of them released from their closed convents specifically for this momentous occasion. Pale-faced, scrubbed, wild-eyed, ecstatic, the virgins reach out in passion to touch the Holy Father, frenzied as any groupies, distorted by spiritual lust, scrambling against each other in a predative flurry of black vestments, thin hands and teeth.

I do not deny the ecstasy. It is true, it is harmless: a papal audience really does, as one of the contributors to this book observes, make people happy. But the more I looked at those yearning faces, the more I contemplated the theatrical figure of the vested Pontiff, the longer I wandered those vaulted halls, peered at those cardinals, immersed myself in the inconceivably rich and sophisticated repository that is the Vatican, the more happy I felt to be a pagan, finding my divinities in the hills, the trees and the running water, the comradeship of the beasts, the delights of sex and sensuality, the holiness of friendship.

If *I* were to wake up one night and find myself the Pope, dear me, I would *very* soon turn over and go to sleep again—or better still, since the rule of the Holy Father is altogether despotic within the Vatican, ring for an immediate cup of coffee (*Si, si, Papa, un' espresso, subito* . . .).

Jan Morris

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Bernard Crick

GEORGE ORWELL: A LIFE

"Bernard Crick's book is a triumph of the first order. It is an absorbing, scrupulous, original record . . ." **Michael Foot,** *New Standard*

"It is hardly worth using up space to declare just how good it is. Different readers will come away from its seventeen pungent and packed chapters with diverse memories of its excellence . . . Both Crick's historical sense and his broad, generous political grasp enable him to do full justice to the vexed question of Orwell's political alignment over the nineteen-forties."
Peter Sedgwick, *Guardian*

"In its thoroughness, and its mastery of a considerable volume of material, this is the definitive biography of Orwell, from childhood and the wretched prep school days described in *Such, Such Were the Joys* to the losing struggle against TB of his last years." **Julian Symons,** *Sunday Times*

"One finishes the book thinking more highly of him, not less, as with so many contemporary biographies. The overall picture strikes me as being remarkably true." **Anthony Powell,** *Daily Telegraph*

"No one interested in its great subject, or indeed the social, political and cultural fate of this country from 1903 to 1950 and beyond, will fail to enjoy most of it very much indeed . . . The magnificent four-volume *Collected Essays, Journalism and Letters* of 1968 has acquired a fighting companion."
Michael Ratcliffe, *The Times*

". . . provides valuable new insights into Orwell's political views, philosophical outlook and aesthetic standards. Here Crick's analytical mind, combined with his mastery of the historical background and context, make him the ideal guide, enabling the reader to follow step by step the tortuous path of his paradoxical hero." **Arthur Koestler,** *Observer*

"It is a considerable achievement . . . He has built up a personality—seen, yes, resolutely from 'outside', but still close up— . . . which other, more interpretative or internal, methods could not give so convincingly."
Richard Hoggart, *Listener*

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Varieties of Dialogue

Wilson, Trilling, Leavis—By JOHN HOLLOWAY

A THOUSAND YEARS AGO, Archbishop Wulfstan, in the most celebrated of his homilies, enunciated his formidable refrain, "the longer it lasts, the worse it gets." It made him a comparatively early contributor to the millennial tide of conventionalised pessimism which by now makes it hard to note the weakness of *Three Honest Men*, Philip French's collection,[1] without seeming to strike too conventional a pose for belief, and to provoke the sceptic, first of all in oneself.

Half a generation ago or more, Philip French as a BBC Third Programme talks producer was responsible for a good many of the serious and sustained critical pieces which were first broadcast, and then reprinted in *The Listener*, widely thought of at that time as the best of our literary weeklies. Those talks became more or less permanent contributions to the intellectual resources of the time, and some of them are still read and prized. Then, I suppose, the pundits decided to give "Radio Three" an image that looked better in the audience research figures. Result, Mr French is involved in catering for "an audience ... interested in sitting down ... to listen to *a variety of people talking* about men of letters." The words are his, in the Introduction to the book, and the damning italics are mine. In fact, this texture of varied "talk" is really the result of successive dialogues with the producer, first tape-recorded and then "carved and composed into these mosaic portraits."

The trouble is—hence the reference to Wulfstan—that carefully prepared, composed, revised "talks" are one kind of talk, and tape-recorded interviews carved and composed into mosaic portraits are another, the kind that turns into gossip. What is the good, one asks oneself, if the "cultural ambience" wants to sit down and hear (to look for a moment only at Mr French's mosaic of Edmund Wilson, his first honest man) that one could easily imagine Wilson in a wig or that he "tended to see the tradition from outside and in this was typically American" (Stephen Spender), that "the social background of a writer.... was something that he always considered very carefully" (V. S. Pritchett), that his books were published in "chunky format" (Philip French), that Yigael Yadin "wouldn't like to put Wilson in any particular religious denomination", or that Gore Vidal wished he "had lived long enough to see the Watergate spectacle, because he would certainly have had a great deal to say about that"? Ever the longer the worse....

In all this (and much more like it) there is little or no parallel with, say, John Maddox's *Scientifically Speaking* programmes. In them, scientists speak at length about subjects on which they have themselves done extensive specialist research, and try to summarise that. In such fields, summaries and generalisations can be relatively exact and pointed. With talk about letters and men of letters it cannot be the same, what is general is empty and boring, you have to reach down the books and turn up the pages. In these mosaic portraits no one, I think, even quotes anything, let alone discusses what he quotes. The result, though doubtless entertainingly varied "on the night" in a polyphony of British and American voices, is that one learns how inanity can reach such heights as almost to turn into melodrama. What has to be added is that personality-gossip about important critics is worse than negative, it militates actively against what they had to say. In the serious contexts which concern criticism, gossip is a minus quantity not a zero, because criticism has, as part of its message, that there is something important to use words for, "beyond all this fiddle."

One makes such points with reluctance. In crazy-paving his mosaics, Mr French was working on a "suggestion" from Controllers and Heads in his institution to proceed as he did, and one knows what it is like to get suggestions from such quarters. The reason given, we are told, was that in contrast to his "specialist informants", Mr French would himself be more likely to have "a mind.... at least partially open." Without disputing what was said

[1] *Three Honest Men: Edmund Wilson, F. R. Leavis, Lionel Trilling*. Edited by PHILIP FRENCH. Carcanet New Press, £6.95.

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about Mr French, must one not wonder what significant contribution to the discussion of men of letters could ever emanate from those who suppose other men of letters to have completely closed minds? *What is the good*? . . .

John Wain was not without some share of inanities in the Edmund Wilson Honest-Man programme, but he does tell one personal anecdote (not worth the retelling, though) that shows Wilson's insatiable intellectual curiosity even up until the end of his long life—and that the publication of his private journals from *The Thirties*[2] abundantly, joyously confirms. Indeed, what they confirm is Wilson's absolutely omnivorous curiosity in the detail, variety and colour of life everywhere. He catches Liston Oak's "long thin hand along his head" at a meeting over the 1932 coal strike. When he is agonisedly flying west where his young wife awaits him, dead, he notices as the slow plane lumbers up from Chicago that "what I had thought was an insect was really a white bird." He records that getting a woman out of a Thirties "foundation garment" reminded him of eating shellfish. He seems to meet everybody—Harold Laski, John Crowe Ransom, E. E. Cummings, Einstein, Louise Bogan (with her cunning little "sex appeal" shoes), S. J. Perelman, Mary Pickford. On his 1935 journey to the USSR he called on Prince Mirsky. First time, no answer. Second time, he turned the bell the right way: the "bald bearded face, very few teeth, with spectacles, in dressing gown—stood stationary and straight without shaking hands. . . ." Wilson sometimes wondered why people didn't take him more seriously as a novelist, and this book makes one wonder why he didn't oblige them to do so. It has a splendid sense of people and of event, and above all of the endless integrated variety of life.

THE OMNIVOROUS EYE for detail that shows throughout *The Thirties* makes Edmund Wilson an almost unrivalled chronicler elsewhere in his work. His account of Turgenev's life and its relation to his work, in *A Window on Russia* (1972), is totally engrossing. The same is true, over and over, when he summarises a novel or a *nouvelle*, or interweaves a writer's work and his life. This is conspicuously so of the famous Dickens essay in *The Wound and the Bow* (1941); though, in that context, one should note also that as early as 1939 Wilson was speaking of Dickens as one of our two greatest novelists and "the greatest dramatic writer that the English have had since Shakespeare." Yet even in this piece, the distinctive and even curious constitution of Wilson's mind shows clearly, in the way that he gives nearly one-fifth of his essay to *Edwin Drood*.

One could say, in fact, that Wilson was the last great *Primitive* in the history of criticism in English. In one way that is misleading. The extent of his knowledge, and linguistic expertise, must have been much greater than that of Lionel Trilling or of F. R. Leavis. In *To the Finland Station* (1940) he shows detailed familiarity with a variety of political and economic speculation as well as of historical detail; his direct political involvements (this side of *The Thirties* is fairly prominent, and it is more prominent in other works) make him exceptional among men of letters even in that period. He wrote about Russian society and Russian authors on the basis of a high and scholarly proficiency in that language—he discusses the language itself, at length, and with ease, range and sensitivity. He learnt some Hebrew, anyway, to write his pioneering book on the Dead Sea Scrolls, and I at least have to thank Mr French's book for a passing remark by George Steiner that, shortly before his death at seventy-eight, Wilson was deeply engaged with learning Hungarian (no trifle) so as to write on the Hungarian poet Petöfi. He wrote well on De Maistre (in *The Shores of Light*), on the artist George Grosz (in *Classics and Commercials*), and produced a remarkable if by now much dated pioneering essay in 1939 on *Finnegans Wake*. He ranged in fact over everything. If it is said that he did so because his work as a literary journalist demanded it, the question remains as to why he stuck at that so long and with such encyclopaedic inclusiveness.

Why then call him a Primitive?—because that surely points to the kind of interest in books that he found for himself and that his writing offers to others. He seems never to have asked, because he never needed to ask, why we should read books at all; and he left the question unasked because (as John Wain records) "when he was well over sixty. . . . he was still excited by a new book", and would be likely to devour a packet of them after he went to bed and before the morning. For him "fresh literary experiences" were everlastingly and primordially zestful. In *A Window on Russia* he spoke of how it is good "to come fresh to an accepted classic with a mature and unprejudiced mind"; and that is what he is doing always. Of course what is good is full of interest: and if a book is less than good, well, that is of course interesting too. What an extraordinarily fortunate man!

Hence his willingness to summarise at length, to write about great, middling and small with almost equal engagement, to explore the new thing endlessly and with unfailing involvement, to give all that space to *Edwin Drood*. When he makes evaluative judgments they are usually acute in a sensible fashion, but they do not at all leave the impression of issuing from what the writer has seen as the main effort of his work. Usually they have

[2] *The Thirties*. By EDMUND WILSON. Edited and with an Introduction by LEON EDEL. Farrar, Straus & Giroux, $17.50; Macmillan London, £12.50.

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the air of having come into the text because they seem comparatively obvious—they can hardly be left out. Writing about books is exploring their endless fascination, and helping others with the less accessible ones. Does that constitute grounds, one wonders, for suggesting that there is a sense in which he is barely a literary *critic* at all? Certainly there are other Honest Men who would have thought so.

AMONG HIS innumerable pieces for *The New Republic* and elsewhere, Wilson wrote much that was very near to the politics of the contemporary world in the practising politician's sense. Lionel Trilling did not: yet there is a valid sense of the word "politics" in which it expresses the idea most fundamental of all to Trilling's work. Several of the key essays reprinted in the three new volumes of the Oxford Uniform Edition[3] help to focus the mind upon what that sense may be. "George Orwell and the Politics of Truth" in *The Opposing Self* does indeed examine Orwell's account of topical political motivation and manoeuvring as he saw it in Spain and recorded it in *Homage to Catalonia*. But that is an exception. What is characteristic of Trilling's approach to politics is what we find, for example, in "The Fate of Pleasure" in *Beyond Culture*, where he writes of "a breach between politics and art." Many professional politicians would find that a quite meaningless phrase, like speaking, let us say, of a breach between strategy and the diatonic scale. Trilling saw it as a recent development of profound significance in our Western civilisation, and one that calls for concern and comprehension. His title, *The Opposing Self*, embodies this: the Self is an Opposing Self because, since Diderot or thereabouts, it has come to turn "certain powers of indignant perception" upon the "unconscious portion of culture" which consists of a nation's "mere assumptions and unformulated valuations", its habits, manners and superstitions; and to have done so above all through the vehicle of the literary work.

The world of politics Trilling saw as the whole social and public life of man; and in the last analysis he was interested in literature not because he found it interesting so much as because he thought it important. As the whole of social and public life, the political life was a moral life, and to the moral life literature is—or *surely* is, one must adjust for Trilling, and the adjustment proves meaningful—supremely contributory. Moreover, Trilling gives this conception as it were an extra dimension by comparison with, for example, what it has been endowed with in some English academic criticism of the past generation or so. Most of Trilling's work has been in the modern period, but even so there is enough on earlier authors to make it clear that he saw the contributoriness of literature to the social and public life of man as something that takes place within a historical continuum.

For Trilling, significant works of literature either bring to the fore, or focus and refine, or perhaps even supply, moral ideas formative or seminal for the particular period to which they make their primary contribution. Thus the "Mansfield Park" essay in *The Opposing Self* stresses Jane Austen's endorsement, in that book, of "social stasis" and a conception of personal virtue as overt, conscious, uncomplicated—and self-effacing. If we are puzzled that Fanny Price should be presented by the novelist as (for all her debility, her being one of the poor in spirit) the standard of virtue in the novel, we should call to mind "the tradition which affirmed the peculiar sanctity of the sick, the weak, and the dying." Trilling links her with Richardson's sick Clarissa and James's ailing Milly Theale—the last, he suggests, of the line. Likewise, when he writes of the "grand elementary principle of pleasure" which Wordsworth endorses. He saw the primality of how Wordsworth understood the concept of pleasure, but saw it also as a deepening and extension of one of the great formative ideas shaping Western European society since the Renaissance: an idea that ramified from power and affluence into luxury and into dignity, that in differing ways was as cardinal for Diderot as it was for Keats, and that began to be transmuted and to pass out of authentic currency during the course of the 19th century.

TRILLING'S PICTURE of how the work of literature can illuminate the moral life of mankind was thus more sophisticated and more interesting than that of many moralist-critics. He did not think that all the literary works of history had been repetitiously revealing a handful of changeless and eternal verities. He was conscious of the multivalency and historicity of morals: literature had its role in a historically unfolding drama in which it brought to life principles that contrasted. They illuminated the dark side of morality, not the bright only: showed us what we had by now perhaps risen above, and showed us also the recurrent challenges of history, what we had forgotten or displaced, but at our peril. So, indeed, with Fanny Price. In the end, her unfamiliarity of moral contour, her historically dated hint of the "Evangelical", proves on deeper analysis to be less dated and more disturbing to our complacencies than we realised. Perhaps, even, she was the first representative of a modern and indeed a post-Christian morality, something irresolvably

[3] *Beyond Culture. A Gathering of Fugitives. The Opposing Self.* By LIONEL TRILLING. Oxford University Press, £6.95 each.

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"complex and difficult and exhausting", something in the end testable only in a final "sincerity", and so of the consequent "Terror" which rules our own moral situation "whose dark and dubious places are more numerous and obscure than those of religious spirituality."

This line of thought, so compelling for Trilling, shows why in his amiable and indeed deferential "Edmund Wilson: A Backward Glance" (in *A Gathering of Fugitives*) he should have written, with characteristic graciousness, "If one imputes a fault, it is that, while so many spirits are interesting to Wilson, there seem not quite enough that are precious." For him, the summons issued by the rarest spirits of literature was a decisive one, and not at all that, in our curious colloquialism, they exist "just for interest." Their summons to us is an ultimately imperious call to recognise, at the bidding of history or in the teeth of history as the case may be, major realities of the moral and so of the political life: which is to say major demands made upon mankind's life together by the realities of past history and of our contemporary situation.

THE LINE OF THOUGHT is as cogent and as compelling as any I know; but in some of his most important later essays Trilling came to express two fundamental doubts about the whole of it. He felt those doubts, I believe, with what in another man would have come out as agonised perplexity; but the delight of Trilling is that such things come out, with him, as vigorous intellectual debate. In "On the Teaching of Modern Literature" (*Beyond Culture*), however, we can watch the incomparable poise falling away: though I am sure that that, like everything else, was by design.

> "For some years I have taught the course in modern literature in Columbia College. I did not undertake it without misgiving and I have never taught it with an undivided mind."

The enchanting rhythms of that second sentence show us, as so often, the Master setting the stage for yet another irresistible intellectual pilgrimage. But something different soon follows.

> "I can return only a defensive, eccentric, self-depreciatory answer ... to some of us who teach modern literature with an eye to its unique potential as formative of the intellectual and so the political life of the future ... *there comes a kind of despair.*"

This despair is for a perhaps surprising fact, and what induced me, some while back, to paraphrase him as thinking that "surely" literature makes the supreme contributor to moral and so to political life. But Trilling, from actual teaching of the course undertaken with such high and such rational ambitions, has something unexpected, and shattering, to report. Having enabled his "seminarists" to plumb Frazer, Nietzsche, *Notes from Underground, Heart of Darkness, Death in Venice* and the rest, and so to confront and explore the terrors and mysteries of the moral life as offered by Modernism in all its intensity and newness, what he found was that the weaker students mutely rejected it and the better ones—to use a phrase from horsemanship—"rode over." The better ones learnt up the terrors of Modernism assignment-wise. They coasted through its nightmare if instructive landscapes "like so many *readers*, entertained by moral horror stories." The teacher expended his unrivalled powers to help his students get (in John Stuart Mill's phrase) "abreast of the age", and when it was all over they were the same as before. They had always been "speaking prose", and prose was what they spoke still.

THEN A DISQUIET that went deeper was to find expression in "The Two Environments: Reflections on the Teaching of English", first given as the Sidgwick Lecture in Cambridge, England, in 1965, and published in ENCOUNTER in July of that year. Trilling contrasts the traditional morality—principles, duties, and conflicts of duties—with the morality that he sees emerge from the modern masters he had touched on in the essay of four years before. He puts his central finding with great vividness. The morality of Modernism as an international literary movement is no body of knowledge (or alleged knowledge) and discipline like the moralities of the past. It is a kind of *magic*: and the best way to see its ultimate intention is to call to mind how Yeats said that the ultimate intention of magic had always been to "obtain control of the sources of life." The great works of modern literature seem to offer a counter-culture of utterly uncompromising authenticity. Against the entrenched conventionalities of the social norm they set a Blakean energy, a Nietzschean gospel of rejection, revolt and selfhood, a Lawrentian paean to individual life self-generating and self-justifying. Yet Trilling detects that these blazing visions have already been institutionalised into an alternative society which will make the teacher of modern literature, with all his high hopes and intentions, "think twice." Can the giant gospel of the modern masters be the answer to society's dead hand, if the dead hand they seem to lead to is their outcome? We achieve the Modernist vision from its Mount Sinai; there is the promised land of "energy ... is eternal life"; and we begin to think, contrary to Macbeth, that going o'er were as tedious as returning ... to the fleshpots of Egypt.

This is the train of thought that Professor Stephen Donadio, in *Three Honest Men*, paraphrases

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in the unforgettable words, "One of the things that Trilling resisted was . . . the worship of the void or the abyss *or whatever*"—the italics are mine. Elsewhere in the discussion he tries again: "I think Trilling remains ultimately a modernist", but with "neither ambivalence on the one hand nor simply a submission to the claims of the larger society on the other." One must admit that it is in one way salutary to read such prose alongside its great original, much though it brings Wulfstan's *a swa leng swa wyrse* to mind.

Because that Three-Honest-Men style brings back Trilling's by contrast: one sees again how much his prose was an index of great gifts, of largeness and nobility as well as disciplined, dedicated intellect. Even so it must be admitted that Trilling can a little overdo it; and one's admiration even becomes a little tinged with amusement as the old magician once again unrolls his patrician sentences, his trains of thought that kindle one's suspense like a novel (and rather more, one may add, than his did), his findings that are often momentously original but always cool and modest. Mr French reminds us that Edmund Wilson was "a skilled conjuror with a considerable repertoire of tricks": so, with his pen, was Trilling. Yet the fact remains that to read Trilling would be an education even if, by some freak of chance, one could never read any of the books he writes about. This largeness with this precision, this courtesy with this authority—a writer like that could say almost what he liked.

TRILLING WAS "a strikingly handsome man", Mr French reminds us. So was F. R. Leavis. It seems unlikely that *Three Honest Men* would have reproduced (as it does for both the others too) the nasty little caricature of him that first appeared in a weekly, if it had been remembered (see *Nor Shall My Sword*, p. 68) that on its first appearance it evoked Leavis's "indignant protest." Leavis's objection, one may be sure, related not to looks but to the substantial issues involved; and I think one may fairly ask whether the same overriding considerations would not have caused him to take the unrelieved commendations of William Walsh's book[4] with reserve. It is true, for example, that Leavis encountered much opposition, even hostility. Some of it must have been grossly ignorant. I still remember being shown out of a publisher's office in the later 1950s with the words, "You *are* a Leavisite, *aren't* you?" ringing unctuously in my ears. I almost wish I had told Leavis of that occasion, he would have relished my absurd dismissal for a variety of reasons. Maybe

[4] *F. R. Leavis*. By WILLIAM WALSH. Chatto & Windus, £8.95.

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Leavis let himself be more put out by neglect from what he once gently called "authority" than he should have: every original mind that goes also with a difficult (though in his case very winning) personality ought to expect that, and more. Assuredly none of it is worth rehearsing over again: Professor Walsh had better have left it alone.

On the other hand, his expositions of Leavis are sometimes exasperatingly passive. "Leavis argues strenuously ... Leavis notes ... says Leavis... Moreover, Leavis believes ... according to Leavis ..." are his pointers across one single page of print (pp. 44–5). Was there nothing to debate, even to adjust or reject? And again, something of particular interest and complexity can be glossed over too easily. One example. Walsh quotes Leavis's words in *The Great Tradition* (1948), words many of us now know by heart: "The great English novelists are Jane Austen, George Eliot, Henry James and Joseph Conrad—to stop for a moment at that point *in history*." Then he suavely comments, "Dickens and Lawrence were in due course to be added to *crown and complete* the statements." In each case the italics are mine and—to say the least—the case is more interesting than Professor Walsh reveals. This is how Leavis wrote in *The Great Tradition* of Dickens:

> That Dickens was a great genius and permanently among the classics is certain. But the genius was that of a great entertainer, and he had for the most part no profounder responsibility as a creative artist than this description suggests.... The adult mind doesn't as a rule find in Dickens a challenge to an unusual and sustained seriousness. I can think of only one of his books in which his distinctive creative genius is controlled throughout to a unifying and organising significance.

Then in 1970, in *Dickens the Novelist*, Leavis put these words into the mouth of another critic, whose views he found absurd (the other critic was in fact myself, but that is beside the point). The "robust realism of commonsense", he writes with a certain sarcasm:

> assures us that Dickens is to be thought of, not as a great artist and novelist, but as an entertainer (a genius, of course).

Well, something is going on—perhaps Leavis meant simply to imply that the other critic could be relied on to quote, but misrepresent, Leavis's own earlier words. But suppose Leavis did considerably change his views, or at least what he thought was worth stressing, between 1948 and 1970. Suppose also that he saw no need to take up time parading that fact. What harm? More to the point is that there must be real interest and meaning in the change, or the shift of emphasis. His keen desire, late in life, to give that great and in a sense new emphasis to Lawrence, and then (more newly one might say) to Blake-Dickens-Lawrence, was significant for his whole awareness and thought and for its development. Not to bring that out is to fail to bring out what Leavis most cared about, what increasingly preyed on his mind.

One needs to make the same point about Leavis's Richmond Lecture on C. P. Snow's "Two Cultures" piece. On almost the only occasion when I called on Leavis in Downing College (it was by appointment, we were examining together) he was a half-hour late. On his arrival I quoted Johnson to Lord Chesterfield: "Seven years have passed, my lord, since first I waited at your outer door." He of course took the reference, and was kind enough to seem, at least, to savour the jest. But to say of the style of the Richmond Lecture only that it "reminds one of Johnson on [*sic*] Chesterfield" does no one any service. Why should Leavis, in that piece, have reproduced Johnson's note of entrenched, confident authority? Johnson wrote his famous letter from a position of notable success. Some years after the Richmond Lecture, Leavis was to set down: "What I have to report is failure." Not that I agree that, in the larger field, he did have to. But those two states will not use a like language unless failure retains a suavity which makes it absurd.

On the other hand, the Richmond Lecture came in for much attack that by now seems itself absurd. Edmund Wilson's scathing comments, more than once, on Somerset Maugham are if anything sharper than Leavis's on Snow, and if anything marginally less deserved. Nor is it easy to agree with Trilling's assertion that Leavis's tone in the Snow piece "manifestly intends to wound": he couldn't know, and I doubt if he should have said, even if he thought he knew. But it is also difficult not to regret Professor Walsh's unsubstantiated swipes at Snow's "insensitive vulgarity" and "rather bumbling complacencies." I must admit that, on re-reading it now, one's first impression of Snow's lecture as irritatingly offhand and supercilious in style is confirmed; but the main point of it was far from complacent. The Two Cultures discussion was preliminary to a proposal that, for reasons both of conscience and of expediency, we ought as a nation greatly to expand our training of applied scientists, so as to help the Third World. The earlier part of Snow's lecture indeed offered Leavis a target, but the interest of how vehemently he took it and how much he ignored is that it makes an index of his steadily deepening anxiety, and exasperation, over conditions as he saw them developing in our society.

IT IS THE RE-PUBLICATION now of one of Leavis's earlier works, *Education and the*

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University (1943),[5] which adds to one's doubt that potting Leavis is much to the point. He is a minimally summarisable author. His endless oscillation between andante and staccato, his density of adjustment, caveat, afterthought, his grim recursiveness in spotting adversaries or quagmires (much the same) as he passes by, make his style indelibly his own, and memorable and admirable for his own purposes. But to go back to 1943 immediately after going through the books of the last years is to be struck at once by a great difference of spirit. Here is a passage from *Education and the University*:

> "It would seem to be the most appropriate and persuasive procedure here to be as concrete as possible . . . challenged, then, to say how one's generalities could be brought into any relation with practice, here is the reply. The question is, what might be done to make out of these advantages and formal recognitions something substantial in practice."

Leavis is persuasive: he still senses, one may suppose, a chance to persuade. Set against that this passage from his 1967 Clark Lectures in Cambridge:[6]

> "I felt I had overworked that last adjective "creative" and must . . . do some revisionary elimination. But prescription, I found, was one thing and performance another; and further, I found myself reflecting that my theme of its very nature entailed so much the kind of insistence directed by Blake against the cultural tyranny he associated with the names of Locke and Newton. . . . Blake was the human protest on behalf of life. . . . The civilisation we live in presents a more formidable menace to life, and, in saying that, I see the justification of my reference to Blake. . . . Blake's insistence on an essential creativeness. . . .

As I began by saying, the message is a thousand years old: *A swa leng swa wyrse*, and to say that it is old is not to say that in our time it must be false. In 1943, Leavis still tried to accommodate, and cooperate with, as he then put it, "authority." Twenty-five years later, the tone is sharper because the nerve is rawer and the anxiety deeper. Putting a new emphasis on Dickens (or at least, putting it into print) and going for Snow as Leavis did are significant and coherent stages in that change. As conditions seem to him to worsen, the preoccupation with what he sees as primal and ultimate

[5] *Education and the University*. By F. R. LEAVIS. Cambridge University Press, £8.50, paper £2.75.

[6] Published as *English Literature in Our Time and the University*, 1969, n.e. Cambridge University Press, £9.50, paper £2.95.

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("life", "creative") becomes naturally more vehement.

That anxiety and its growth are plain also in the 1970 lecture "'Literarism' versus 'Scientism'." "Menace" and "ominous" are pointers, so is "It's the general blankness in face of the issues that's so discouraging", so was "What I have to report is failure." Another, more limited, context in which to see the change appears if one sets the paper on "Literary Studies" and what comprises literary scholarship in *Education and the University* alongside the Appendix on "Research in English" in the Clark Lectures. This later piece is where, like Trilling, Leavis uses the word "despair." Looking back over all these, one can see that Leavis's movement from Donne and the line of wit, on to George Eliot and James, and then on to the in a sense starker, more primitive life and creativity of Lawrence, Blake and Dickens—as well as his taking up Snow's lecture "resolutely, fiercely and intelligently" although that meant brushing aside half its point—are measures of an intended and considered deepening of his gloom and fears.

I BELIEVE that perhaps the main limitation to Leavis's work—"if one imputes a fault"—lies here. As a preliminary, it may be said that his dealing with authors is on the whole a little disappointingly narrow. He conspicuously lacked (I am speaking of his publications, not of his personal life) Edmund Wilson's curiosity and zest of interest. One might say, recalling Trilling's comment on that quality of Wilson's mind, that Leavis had really rather few authors, and those even a little obtrusively, peremptorily "precious" to him. But that may be the reflection of something that goes deeper; because, on the evidence of his public life as a writer, it seems that, perhaps increasingly, Leavis's outraged and in the end near-despairing consciousness of anti-life massed all round him was (or became) what primarily enjoyed the "life" in his own mind. Over and over, his portraits of that anti-life (as he saw it, mind), of its ramification and "flank-rubbing consensus", are sharp, detailed, alive, electric with indignation and also grim relish. But what stands over against that? What shows the reader life itself, not the menacing galvanism of anti-life? Of course there are the authors to whom Leavis points and whom he discusses; but all the same it is fair to ask what one finds of their virtue in his own writing. "My purpose, which is to define vividly (and not abstractly. . .) what I mean by the principle of life"; "Mankind—this is surely clear—will need to be in full intelligent possession of its full humanity. . . . What we need . . . is *something* with the livingness of the deepest vital instinct" (*Nor Shall My Sword*, p. 60). The italics are mine, and they are food for thought.

Trilling's ideal of life is indeed defined, vividly, concretely, abundantly, in how he wrote himself; this is what I meant when I said that his books would be precious, even if we could never read the books they are about. But in Leavis's books, especially the later ones, only part of what he meant is there. Of course there are the life and creativity of energy, intelligence, altogether exceptional quickness and dexterity of mind, passionate caring; but so recurrently, inescapably, it is an angry energy, an aggressive, polemical, arrogatory quickness and caring. To turn from Leavis's own writings to the "exaltation" he once so justly remarked in Bunyan, or to the positive sides (sides!) of Blake or Lawrence, or to Dickens when he is open, generous, full of the energies of life, is to enter another world from that which the critic who took them as his landmarks in writing seems to inhabit himself. How can it be, we ask, that this dark and angry picture is what best shows us through to those near-celestial ones? One of Leavis's fiercest and most resolute sentences about Snow comes miserably to mind: "he doesn't *know* what he means and he doesn't know he doesn't know." Of course, he must have known—at one time, anyhow, almost pre-eminently. It cannot but have been that there was a great side to Leavis's mind, and to his life, that his works increasingly fail to embody. I recall Wordsworth's lines:

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. . . with an eye made quiet by the power
Of harmony, and the deep power of joy,
We see into the life of things.

Leavis praises harmony (his "organic") and life, but not with Wordsworth's quiet, or his joy. You can say the times have changed and made such a thing harder if you like, but there are qualities which could rise above that.

For my part, I neither believe nor disbelieve Wulfstan: there are too many different things going on at once for anyone to say. But it is a callous reader who does not feel inclined to judge, severely, the world we live in, when he thinks of how it helped, anyhow (and I am thinking of its most general conditions, not of piffling gossip about appointments committees 40 and 50 years ago), to embitter so fine a man. "His achievement makes plain both the unquestionableness of his genius and the frustrations that life suffered in him", Leavis wrote of T. S. Eliot. Walsh quotes the sentence—and for good measure, but ill-advisedly supplements it with his own version: "Eliot was a genius disabled by inner contradictions." The more one ponders the difference between those two statements, the more Leavis's seems to show his quality. But also, one reflects, it does that if one actually applies it, not to Eliot, but to him.

A Blurred Portrait

Crick's Orwell—By RAYNER HEPPENSTALL

I DO NOT remember a book being reviewed with so much avidity and promptitude, at such length in so many papers during the week of its publication, as Bernard Crick's biography[1] of George Orwell. With the exception of Nigel Dennis in the *Sunday Telegraph*, all the early reviewers highly commended the book, though Arthur Koestler in *The Observer* seemed to have last-minute doubts and gave his article (or a sub-editor gave it) the heading I have borrowed, and Anthony Powell in the *Daily Telegraph* ended his with the correction of two misstatements of fact about himself.

I can do better than that. I can point to at least five misstatements of fact either about me or about matters I had distinctly recorded. Moreover, I had already corrected most of these errors when Professor Crick sent me a chapter in typescript, as well as asking him to change two insulting references to myself which he has allowed to stand, one of them demonstrably wrong. I note other mistakes. For instance, Gurdjieff was not a dancer, Herbert Read's basement was not in Beaconsfield, the one at Caerleon was not the first *Adelphi* summer school, and the tree-pattern mugs were not treen or, as Crick puts it, wooden.

Koestler, Powell and Julian Symons (in the *Sunday Times*) were the only early reviewers to have known Orwell, and they knew him only in his later years, calling him George. I knew him earlier, though not early enough to "remember" (this is Crick) "that when Eric Blair first presented himself to the *Adelphi* offices in 1930, he 'described himself as a Tory anarchist'." The memory there was Jack Common's. While we are on the subject of these premises, I may as well say that that "humble office" was part of Sir Richard Rees's "elegant flat in Cheyne Walk, Chelsea", and that this was over what I do remember as a small newsagent's and sweetshop.

Two earlier rememberers were R. D. Peters, then only a boy in Southwold, later to teach at the London university night school or polytechnic where Crick is at present professor of politics, and Ruth Pitter, at whose London flat Orwell left and would change into his tramp's clothes for a night at a dosshouse during his down-and-out phase, returning for a bath and breakfast in the morning. I don't believe he was ever properly down-and-out, even in Paris, where he had an aunt, though he may similarly have done occasional work as a *plongeur* or dishwasher in a Paris hotel-restaurant and been in hospital there and seen how the poor died and, later, gone hop-picking in Kent, always regarded as a holiday by Cockneys.

To me, he was Eric to the end of his life and has remained Eric in memory. I can think of him as Orwell, but I could not think of him as George. Richard Peters was too young to use a Christian name, but Eric he must have remained to Miss Pitter, as he did to Richard Rees, to Brenda Salkeld, to Bill and Avril Dunn and many others. Yet he was and is George to his most respectable

[1] *George Orwell: A Life*. By BERNARD CRICK. Secker & Warburg, £10.00.

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later friends, as indeed to the widow who married him on his death bed and is known as Sonia Orwell, though she was Mrs Pitt-Rivers after being Mrs Blair. To Crick, who did not know him, he is George at an earlier date than the one at which anyone can first have called him that.

NOT THAT IT MATTERS MUCH. This could still have been a good book, with all its errors and tactlessnesses. On the whole, I do not think it is, though it contains a fair amount of new information, the result of much writing around and some interviews (research, that would be called). But my own view of it changed as I read on.

First comes a long and tedious introduction, in which the professor explains what he has tried to do. This, so far as I understood it, consists of using external evidence, though without undue reliance upon facts, and avoiding "empathy" (which is later to become one of Crick's favourite words and which, I may say, is to my mind just about the most useless neologism in our language, along with the mistaken gallicisms, "*expertise*" and "*exposé*"). Then, with Chapter One, the text bucks up, but unfortunately only for a while, till Crick starts arguing with himself and other people, including Orwell himself.

This he continues to do. One begins to suspect that he has undertaken to write a book of a certain length and that he was in despair how to do it. For it is far too long. Four hundred and fifty pages don't sound too many, but these are large pages, closely printed. I should have thought, too, that Sonia would have required higher literary standards than Crick seems capable of maintaining, for the book is not well-written. In his introduction, Crick had said that this was not an official biography, but of course it is, in that, for the first time, he had been given full access to the sources and command of the copyright.

By page 74, we have reached the following extraordinary paragraph, also quoted in Nigel Dennis's review. The chapter is about Eton. It is Chapter Four.

> [Orwell] was one of the awkward squad, but a proud member. There was no sign then, however, that when the last great game is played at the Wall or in the Field with the courtiers, the careerists, the imperialists, the parlour creeps, the backstair crawlers, the arse-lickers, the toadies, the money-grubbers, the City men, the complacent and the sleekly successful, all against God's great awkward squad of unorthodox, dissident Englishmen, that Eric Blair as George Orwell would have had a place in that team, not at the top of the list, but turning out none the less with Skelton, Lilburne, Swift, Defoe, Sam Johnson, Hazlitt, Cobbett, Dickens, William Morris and Bertrand Russell.

Thus, we may note, making a team of eleven. I was reminded of an old Salvation Army hymn.

> *When the roll is called up yonder,*
> *When the roll is called up yonder,*
> *When the roll is called up yonder,*
> *When the roll is called up yonder, he'll be there.*

But it must be admitted that Crick does not often rise to these eschatological heights, and God is not in the index.

At a guess, he (Professor Crick, not God) is an atheistical socialist. He frequently writes like one. Indeed, it is difficult to imagine what else a professor of politics could be, since socialism is the only system of politics. It would, of course, be possible to be a Christian socialist.

We have passed through the hell of St Cyprian's, with its kilted young lairds, spent pleasant holidays in Cornwall and finished four cheerful years at Eton. Eric is with his mother and sisters in Notting Hill Gate, remembered there already, with his level gaze, by Ruth Pitter. The family moves to Southwold on the Suffolk coast, with its enormous commons on both sides of a beautiful estuary. He is off to join the Indian police, not, however, in India, where he was born, but in Burma. There, he shot an elephant or was later to say that he did (Crick doesn't believe it) and entertained fantasies of bayoneting Buddhist monks. He was to say that Burma ruined his health, but played centre-forward for a police soccer side and scored several goals. He was seen without anti-imperialist sentiments by Christopher Hollis. He stayed five years. Then he was in Paris and on his way there Marseilles, where he witnessed Sacco & Vanzetti demonstrations.

"A symbolic return to Europe indeed", says Crick. "The Sacco and Vanzetti case raised just the same issues as had many a humble trial in Burma." But he has reached the argumentative stage of a chapter otherwise full of merit, in which, for instance, he shows that Orwell had well-connected relatives in Burma. I doubt whether he knows much about Sacco & Vanzetti, who were executed before he was born. Certainly, a man had been murdered by three Italians, and the third was executed without protest. The demonstrations had been whipped up by the communists, who, as Orwell himself was to show, were not always to be so tender about anarchists, and themselves were to precipitate the fate of those two.

Now we are back in England and at first on holiday in Cornwall. Follows, I suppose, the tutoring of Professor Peters and his brother or brothers, mainly consisting of blowing up patches of the garden ("Here comes Blairy boy with Bolshie bombs"), then Paris with Aunt Nellie, shacked up with an esperantist, the first down-and-out episodes

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and the determination to be a writer. London again, with further down-and-out adventures.

THE BOOKS STARTED coming out. First, there was *Down and Out in Paris and London*, 1933. *Burmese Days* came out, in America only, the following year. The year after that appeared *A Clergyman's Daughter*. By that time, I was on the scene, at first briefly, though we patched our differences up the following year. The house in which we shared a flat in Kentish Town has recently had a blue plaque affixed to it by the Greater London Council at the instance of the editor of *New Society*, who lives round the corner. To my mind, this was a mistake. It should have been in Canonbury Square.

Professor Crick's book contains neither a bibliography nor a chronological table. I could have done with both at this point, but especially the latter. The ridiculous tour of the north Midlands, marriage to the delightful Eileen, the simple life in Hertfordshire, Don Quixote (with Dulcinea) in Spain, the providential neck wound—I think that was the order in which things happened. From Spain, Orwell brought back the news of the communists' murderous antics there and was believed by hardly anybody.

Then followed the real war, in which western Europe was to tear the heart out of itself for the combined benefit of Russia and America. I remember Eileen sitting on Eric's lap, perhaps (now that I come to think of it) because they had only two easy chairs in the sitting room at Wallington. And I can vouch for the fact that—contrary to a widespread belief—once it was healed the neck wound (which the demented Roy Campbell claimed to have inflicted with an orange-wood bow and arrow) made no difference whatever to Orwell's voice, which had always been thin, flat and rather high-pitched.

Bitterly regretting that, if only for health reasons, he was not allowed to "fight" (he would probably have been left hanging about in England) Orwell worked first at the BBC and then as literary editor of *Tribune*, where he wrote much excellent journalism, not widely read. He also wrote his small masterpiece, *Animal Farm*. He adopted a small boy, whom he called Richard Horatio—Richard after Richard Rees, Horatio after I do not know whom, Nelson, Horace Walpole or the Horatius who kept the bridge. Eileen died.

I am sure that Orwell enjoyed himself at times on Jura and being famous in London. The rest is a sad tale of illness and of proposing to women in the hope of finding an adoptive mother for Richard, at last finding on his deathbed a clever and attractive taker who would not be a mother to Richard. Luckily, there was the staunch younger sister, Avril, who married a crippled Scot, farmed on the mainland near Jura and brought the boy up as a kilted young laird.

A WELL-DOCUMENTED DEATH always makes excellent reading (one likes a good cry), and Crick does not fail us here. I only wish that he had not wasted time on argument with the amusing Anthony West, who, presumably in the *New Yorker*, reviewed *1984* as a work deriving from memories of St Cyprian's, in the belief that "Such, Such Were the Joys" had been written, when it was published, at much the same time (as Crick lengthily shows it almost certainly wasn't). West said:

> In *Nineteen Eighty-Four*, . . . the whole pattern of society shapes up along the lines of fear laid down in "Such, Such Were the Joys" until the final point of the dread summons to the headmaster's study for the inevitable beating. In *Nineteen Eighty-Four*, the study becomes Room 101. . . . As these parallels fall into place, one after another, like the tumblers in a combination lock, it is possible to see how Orwell's unconscious mind was working. Whether he knew it or not, what he did in *Nineteen Eighty-Four* was to send everybody in England to an enormous [St Cyprian's] to be as miserable as he had been. . . . Only the existence of a hidden wound can account for such a remorseless pessimism.

I doubt, in fact, whether he was quite so miserable at St Cyprian's as he makes out. Such misery is paralysing, and Orwell did, with the school's help, win a scholarship to Eton. He owned a powerful sado-masochistic streak and a fair amount of mendacity or mythomania.

But I should perhaps say here what view I take of his work. I think him overrated in the sense of being too often quoted or invoked without good reason, as somebody who was a latterday saint. *Burmese Days* may come to have some kind of historical importance as a story of the British empire in its decline. The other early novels are very poor, their dialogue particularly so, more especially the low-life dialogue, for which Orwell had no ear. The first good book was *Homage to Catalonia*, than which I doubt whether anything better came out of the Spanish civil war.

I am amused by the amusing early essays, and I admire the *Tribune* journalistic style. *Animal Farm* I consider a faultless work, even the poverty of its dialogue for the humans somehow fitting into the allegorical framework.

1984, on the other hand, I think the work of a madman. This is not so much because of the wildness of its predictions, but that, with the kind of

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money he had from *Animal Farm*, any rational man in his state of health would have taken himself straight off to Switzerland (as he thought of doing when it was too late), where the mere height would have taken the pressure off his lungs, instead of starting a book which others beside Fred Warburg have thought killed him. What hidden wound there was we shall never know. I cannot believe that it was inflicted at St Cyprian's. Freudian wounds are commonly inflicted before the age of five.

As mere prophecy, *1984* is absurd. Ingsoc would not develop quite like that. Attlee could hardly become Big Brother. Even Wilson did not quite fit the part. Callaghan had an Irish surname, like O'Brien. Of course, we still have three years to go and Benn in the offing. It is the proles who have become our masters, with what Crick (somewhat unexpectedly) calls "the horrors of overmanning." Newspeak is the language mainly of trade union leaders and Labour backbenchers.

Crick adduces written evidence for the belief that Orwell remained, subjectively, a socialist to the end. Objectively (as Marxists say), he certainly didn't. One would have liked to read him on our half-socialist world of today. It could hardly have been in *Tribune*.

Telling Tales

New Poetry—By ALAN HOLLINGHURST

FICTION NOWADAYS can scarcely afford to be unselfconscious, and Irish fiction has often been particularly canny about its own business, the artificiality as well as the serious compulsiveness of telling stories. Paul Muldoon opened his second book *Mules* three years ago with a poem which both established and then exploded a fiction, a process by which he could ask "where do I stand?" in relation to things "made up as I went along." Behind this merely theoretical question lie issues closer to life, to do with the chosen subject of the poet, whether it is to be a lyric one drawn from tradition ("About pigs and trees, stars and horses") or a more engaged and political one, "something a little nearer home." Either way, Muldoon suggests, an essential and impartial moral truth is beyond the reach of an art which is by its very nature personal and unpredictable.

"When are you going to tell the truth?"
For there's no such book, so far as I know,
As How it Happened Here.

His new collection[1] develops this interest in the story to a higher stage through a series of anecdotal poems and through the 300-line "Immram", a logical but none the less amazing new departure. The key to the book is given in "October 1950":

Whatever it is, it all comes down to this;
My father's cock
Between my mother's thighs.
Might he have forgotten to wind the clock?

Cookers and eaters, Fuck the Pope,
Wow and flutter, a one-legged howl,
My sly quadroon, the way home from the pub—
Anything wild or wonderful—

Whatever it is, it goes back to this night,
To a chance remark
In a room at the top of the stairs;
To an open field, as like as not,
Under the little stars.
Whatever it is, it leaves me in the dark.

The sense of the phrase "Whatever it is" has subtly changed through the poem from meaning "I don't know what it is, but" in the first line to "It is everything, and" in the last line. Experience broadens and holds all that is "wild or wonderful" but that extraordinary miscellany of the second stanza does not stimulate any enlightenment. The Shandean reference of the fourth line is entirely *ad rem* here; life is indeed *ondoyant et divers*, springing from the random moment of conception and refuting any philosophical attempts to organise or direct it. The irony of experience sabotages moral patterns and mislays the answers to questions. In pursuing an expression of this time-honoured irony Muldoon has written a book less tidy and more oblique than *Mules*, and which sometimes approaches the complacency of riddle, as in the poem "Ireland." Peter Porter has written of the "friendly tone" of Muldoon's work, but it is not a tone which gives one the warmth or security of friendliness. Behind his colloquial manner he remains distant and cryptic, and the greater the apparent directness the more cagey the commitment seems to be, the more reticent the voice of

[1] *Why Brownlee Left*. By PAUL MULDOON. Faber, £3.00.

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judgment. His continuing use of half-rhymes is itself a part of his avoidance of moral formality.

Many of the poems are unexplained parts of tales, bizarre and inconclusive narrative fragments which linger tantalisingly in the mind. One searches them out for a certain knowledge which, as he says in "History", one does not have; even the *How it Happened Here* of one's own life, "where and when exactly . . . we first had sex", is as open as legend to interpretation. The story-teller, who is also the teller of tall stories and a showman and performer, capitalises on his vulnerability by exploring his memory, but it is "Not that distance makes anything clearer": most explanations, such as precisely Why Brownlee Left, are never vouchsafed by time: the riddle of the event, like the poem, is deliberately empty.

Muldoon is still fascinated by the mulish, the crossbred, a symbolism which stems from obvious dualities within Ireland itself, and which the poems extend on to English territory—Irish loam in English gardens, Irish navvies in Camden Town; the "sly quadroon" is a further instance (a quadroon being the offspring of a mulatto and a white). The linguistic vehicle for this is the pun which (like his continuing use of symbolic names, Wetherall, Golightly) both lightens the mood and renders the description more portentous. A medium in which punning short-cuts are made between the garrulously anecdotal and the seriously allegorical is broadly Irish and specifically Joycean; and "Immram" plays an extravagant (Chandleresque) narrative manner on the Joycean subject of a boy's search for his father. Muldoon's poetic personality, from his first book *New Weather* on, has been a cross of the coarse-grained and the aesthetical, and he makes something at once robustly humorous and calculatedly fine from his extended exploration of a purely personal fiction. It is a *tour-de-force* which leads nowhere, and can seem to gain its technical exhilaration from a recognition of its final pointlessness: the story is a compound of bravura and bravado and is performed above an inevitable and baffling vacuity.

ALAN BROWNJOHN's new fictions[2] are more overtly insecure, and this is registered by his way of making explicit his relationship to the poems and his awareness of their fictionality. He does not have Muldoon's confidence in the implicit subtlety of fictions, or if he does is too modest about those he has himself created. It is a modesty which not infrequently undersells poetical ideas of great interest, and the effect of this is to draw atten-

[2] *A Night in the Gazebo*. By ALAN BROWNJOHN. Secker & Warburg, £3.00.

Penelope Lively

Judgement Day

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tion back to the personality which informs the work and which becomes accessible in a way Muldoon is careful to avoid in his own poems. There are compensations for this of course, chiefly in the sense of pathos which accumulates from the ready self-exposure Brownjohn allows. "This middle stretch of life is bad for poets", MacNeice wrote, and the complaint indivisibly affects both life and art: "a sombre view/Where neither works nor days look innocent/And both seem now too many, now too few." Brownjohn is fully aware of these difficulties, and the most successful poems in the book sustain a wise reflection on time and happiness, seeing all sides of the subject but holding them within a directed argument. In "Near Gun Hill" and "Syllabics" this brave examination takes place in the logical progress of a complicatedly-plotted tentacular syntax which brings it at last movingly to its point. "Syllabics" uses a 34-line sentence which avoids the monotony which even Auden at times failed to keep from this deceptively simple mode.

The actual subject (rather than the mood) of the book is nostalgia, recurrently analysed, and accepted as a limited but creative emotion, "not/A weakness but a springboard." That is how the poet must make it work, whereas

> *Not having it is licensing Zakki and Tobia*
> *To patronise Nik and Germaine for their funny names*
> *In 1998. Is saying, "Look at these craptious*
> *Gears in these merdy old photes!"*

Having it is not to patronise one's own or anyone else's past, to look sympathetically too on life compromised and falling short of its aspirations. "Oh, if this were only art, or even fiction!" some of his characters mentally exclaim from their fictional situation, catching sight of themselves in the mirror which Brownjohn uses to play on the paradox of his own material. But however much they yearn to go from one fiction to another more fantastic and glamorous, they are cramped by the same inevitabilities and will one day shiver "from more than nostalgia."

The strategy by which Brownjohn brings them back to earth is often that by which he finally ejects us from the metaphorical world of the poem back into non-poetic life; he tries to make a virtue of his modesty by giving his poems deliberately bathetic conclusions, and this is a very difficult thing to do. At the end of "The Seventh Knight and the Green Cat: A Variation on the Gawain Poet", something obscure and painful is thrown off in a glib and brutalised paragraph:

> *But concerning these travails I cannot truthfully say*
> *I am sad or sorry, and cannot make this knight seem*
> *An object of proper pity: as a grown-up, I regard*
> *Knights and knighthood and the mores and weapons*
> *Of a warrior society as both juvenile and degrading.*

There are other sudden foreclosures of poems which are sometimes hard to understand because it is not clear what values are at stake: the poem "Especially" is spoken to lovers by the announcer of a radio record-request programme, and ends: "Greetings to you then, especially, and here/Is *Das Lied von der Erde*." What significance is this music supposed to bear? Is it a warning of the lovers' inevitable parting? A reprimand? Or a blessing? We feel Brownjohn uses Mahler respectfully where Amis, say, would not; but there is not enough to go on, and unlike in Muldoon's poems, it matters. There are certain strains under which the symbolic apparatus of the poems rather creaks, and Brownjohn has a habit of yoking things together, not by a mulish pun, but by surprising or laborious metaphors which overfreight mundane things—pubs, shops, a waxwork chef holding a menu—with a bleak and portentous meaning. Even so, the rueful, pessimistic and occasionally bitter mood of the book is memorable and poignant.

JAMES SIMMONS ALSO MAKES a speciality of the ordinary, and particularly of the ordinary states of love and marriage and their failure:

> *Unhappy marriages are that eccentric,*
> *irrelevant to decent people, sick;*
> *but common.*

An elevated or transfigured commonness is part of his achievement, and the reasons for it lie partly in his experience as a songwriter and singer. He knows about the openness of sound, the clarity of idea, the directness of syntax demanded by words for music, but unlike those of most poets his songs when printed do not look like gauche and simplistic botches of a different kind of poem. He has discovered a voice of effortless fluency, natural and virile in diction and wide in range, a tough but transparent medium in which the performer's voice is preserved in limpid perpetuity after the performance has ended. His access to a positive narrative mode is more direct than Brownjohn's; he has the ballad in various forms and with its conventions more or less unruffled as a major vehicle. And his brief for fiction is more generous, more simple: "Anything processed by memory is fiction!"—a dictum which makes no special case but reminds us of the fictional autonomy of life when transmuted into poetry.

Simmons's new collection contains a number of songs—poems at least in ballad form but with a

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literary rather than popular discipline: entirely lucid and accessible, they contain no banalities; they are more demotic than Yeats's songs and remind one at times of a hornier heterosexual William Plomer:[3]

> *Dan loved that house, its drawing rooms,*
> *huge kitchen and huge hall.*
> *Chessmen were moved below, upstairs*
> *the frantic ping-pong ball.*

And at the end of the poem "Mates" a subtle but colloquial inflexion undercuts the supposed advantages of marriage, handling the mundanities with something of Larkin's refinement:

> *It's "Ho" for kitchen equipment*
> *and a more salubrious flat,*
> *a steady job and promotion.*
> *At least it feels like that.*

Authoritatively established in this middle style, Simmons dares more and more complex statements, in long poems that map out interpenetrations of life and art (in "Coleraine: 1977" listening to Bach on the night of an incident) and of public and private war and peace in "Cloncha":

> *The Anglo-Irish boy adores*
> *broken demesne walls . . .*
> *the fragile brilliance of fuchsia*
> *dancing dolls, a Japanese theatre*
> *in country hedges grown native*
> *and deserted like Yeats's plays. . . .*

Some people may feel that Simmons is too prolific, fear his mastery has become parnassian or his subject too easy; but everything in this book refutes it:

> *He was luring*
> *a girl near his heart in this*
> *occupied country of his. His voice*
> *touching another, the singer's art.*

SIMMONS'S STRENGTHS, THE CONFIDENCE of an artist in unencumbered exercise of a vigorous gift, stand in antithesis to those of Dick Davis, a poet who is also dedicated to economy of form and clarity of language, but in whom spareness becomes parsimony and unaffectedness unadventurousness. Thom Gunn has praised[4] the style of his first book *In the Distance*: "firm, totally without pretension, but all art"—but this plainness and compaction have become ossified in his second collection.[5] The titles of both books seem resolutely to refuse to make any claim on one's interest, and the poems have a modesty not engaging, like Brownjohn's, but chilling. The note, for instance, to "Syncretic and Sectarian" is considerably more absorbing than the poem, and Davis's art seems at times to reduce his subjects with a paralysing neatness. There is a lack of range, as well as of personal warmth: the tone is hymnodic rather than songlike or operatic, and the plain diction, while aiming to universalise his theme by an incontrovertible and unadorned presentation of it, often leaves it untouched, unanimated. The confidence he shows in his language to convey a general moral intensity can in fact be seen as a failure of nerve and of confidence in the resources of language at the poet's disposal. One reads with even pulses, "Emotion flares, and is absorbed" before the poem begins.

Sometimes Davis contents himself with epigram, where the blandness of metaphor and the reactionary diction find an elegant equipoise. But elsewhere the problem of style, which he is trying to expunge, becomes especially prominent; the use of archaisms and inversions is frequent—"Great Mutability,/All here declares your mordant sway"—and the manner is often strongly derivative:

> *Years now since I have risen*
> *Resistless at your call*
> *And stretched my hand in greeting*
> *As if there loomed no wall*
>
> *Between the dead and living—*
> *As if I too might go*
> *Where darkness would redress*
> *Intolerable woe.*
>
> *And now that with this dusk*
> *You have returned, I rise*
> *To read once more the silence*
> *Of dark, remembered eyes.*

It's a highly efficient pastiche of *In Memoriam* in the style of Housman, merging finally with the commonplace warmth of a parlour-ballad. But it is a curious way to be writing nowadays.

[3] *Constantly Singing*. By JAMES SIMMONS. Blackstaff Press, £3.95.

[4] See *British Poetry Since 1970: A Critical Survey*. Edited by MICHAEL SCHMIDT and PETER JONES. Carcanet, £9.95.

[5] *Seeing the World*. By DICK DAVIS. Anvil Press, £2.75.

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KATHLEEN RAINE IS ANOTHER POET who writes from an unfashionable position, though without the merit of Davis's economy and cautiousness. Her new book[6] closes with a "remarkable sequence" of 60 short lyrics which is remarkable, frankly, only for its unmoderated banality. The small forms seem welcome in principle in a poet who has tended to be too repetitive and long-winded in the past, but the reduced compass has not in the event brought forth any new sharpness. This (complete) poem is typical:

> *Today as I*
> *Looked up at the sky's great face*
> *I saw the bright heavens gaze*
> *Down upon me.*

Raine is a neo-Platonist and associates her work with a frequently submerged stream of visionary writers of whom Blake and Yeats are the most prominent. She intensifies the intractability of her poetical subject by closing her eyes to the wealth of experienced life which Yeats incorporates in his work, and reiterating the same vocabulary (bird, tree, wind, water) without the resonance and transmitted passion of Yeats's symbolic repetitions. Almost all the poems fall into the same crooning, lilting and monotonous rhythms, and use a language which is frequently inert:

> *Do I return*
> *To the presence in the garden*
> *The same or not the same?*

This way of ending a poem with a wondering question, as if the answer were obvious, is also typical and unsatisfactory because the poems make no equation between moral and linguistic discovery: they state rather than enacting or demonstrating their "verities", and carry on as removed from life as their language is. There are some attempts at coming further into life in a set of "Occasional Poems", but the difficulties of this kind of address are immense, as is witnessed even by Eliot's occasional work.

At a recent reading Raine spoke of being "bitterly sickened by the Women's Movement", and her poetical stance, like her political one, is so exclusive that it risks seeming arrogant and condescending. There is so much that she overlooks. Jon Silkin,[7] on the other hand, embraces a wide and compassionate range of subject, and finds relevance to his equally exalted theme in a far greater variety of things. Yet there is beneath it all a similar kind of experience-snobbery, a vanity, in both the intensity of his vision and the dramatic light in which he casts himself; this lurches into a bragging machismo when he is talking about his sexual performance.

Other poets—Donne, Hopkins—have exposed themselves in dramatic spiritual colloquy, and such exposure is integral to Silkin's "huge stark weft of praise", a transfiguration of all experience through a sacramental sense. So, presumably, is the language in which he does it, and which achieves undeniable intensities, lyrical microscopies, and violent cruces of meaning. Hopkins, too, did all this, and it is perhaps naif to complain that whereas his always yield sense on analysis, Silkin's sometimes do not. The language gestures convulsively towards a visionary coherence beyond the reach of language, and requires considerable sympathy from the reader, as well as a readiness to surrender presuppositions about syntax itself. The process should be one where, unlike in Raine's work, the reader sorts out the adjectival nouns, the nouns used as verbs and vice versa, as a journey of semantic discovery which articulates a spiritual one. All but a few readers, however, will find the violations Silkin perpetrates not creative but destructive and that they are left with contorted debris rather than golden handiwork. It is revelation at its most obscure.

Hopkins fused in poetry a logical, even conversational process with a highly orchestrated and performative technique; but—to push an unfair comparison—Silkin's search for intensity brings with it no expressive music: the ear is forgotten, and the poems are often harsh, noisy, difficult to read on the page and graceless to say aloud. There is no cadence to wring affirmation from the doubting mind, and this is partly the result of Silkin's virtual abandonment of form: the free gestures enjoy no invigorating restraint. He writes more centrally about sex than most mystic poets, but he has little sense of humour, and the wrought language when applied to this subject is inevitably funny on account of the pompous or pseudo-Biblical periphrasis traditional to sexual description: "Tugged from your fallow, my seed chills"; "It is that/fondant moisture stiffens the terse

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[6] *The Oracle in the Heart*. By KATHLEEN RAINE. Dolmen Press and Allen & Unwin, £3.75.

[7] *The Psalms with their Spoils*. By JON SILKIN. Routledge, £2.95.

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cock"; "Our spirits' lumpy unguents concentrate", etc., odd mixtures of tact and bluntness. This lack of humour is a danger too when the reader, lively to the sexual slant, puzzles for meanings: "wind in the ship's masts/shags the uprooted pine", for instance. Though Silkin depends on paronomasia, he seems unequipped for self-mockery, and doesn't allow for the comic, the ironically implosive nature of the pun. The poems at moments become a minefield of innuendo and offer hostages to cynicism: "The soft blood and the raspberry/leak from us"; "The book engrosses a page or so."

THE FUNCTION OF a "Selected Poems" often seems unclear, but certainly the reader expects from it the very best of a poet's work. Both Silkin's[8] and Patricia Beer's[9] might be considered too long in that case. Beer's work, of course, is worlds away from Silkin's, but more of her early poems should have been pruned from this new book; she is a writer who gets better with each new collection. *The Estuary* (1971) showed a new readiness to let things speak for themselves, and less of the casting round for a subject which only ended in a forced tone. *Driving West* (1975) was more direct and potent again, with a new confessional scope and greater poignancy and intensity of image and idea, as in the poems "The Letter" and "Mating Calls":

> *Some kind of magpie keeps on*
> *Singing, when his mate has gone,*
> *Not only his notes but hers.*
> *This moves us to pride and tears*
> *That love should make us such bores.*

There are still some miscalculations of tone, when she attempts to hot up the temperature, and, in the new poems she includes, "Jury Duty" is too pat in the uneasiness of the jurywoman feeling her own potential guilt: "I go home every night, / To handle, to impersonate." But the tart and laconic "Villa" and "Garden" show that although she has uninhibitedly exploited the West Country as a subject, other places, like time, may be a more potent stimulus.

[8] *Selected Poems*. By JON SILKIN. Routledge, £4.95.
[9] *Selected Poems*. By PATRICIA BEER. Hutchinson, £5.95.

The Tocqueville Industry

By Max Beloff

NO 19TH-CENTURY WRITER has been rediscovered in our own age with as much zest as Alexis de Tocqueville. To the two books published in his lifetime, *Democracy in America* and *The Old Régime* (which I suppose has come to stay as the English title incorrect though it is), have been added and are being added a mass of further writings and correspondence of which the end is not yet in sight.[1] There has also been a large amount of commentary and interpretation. For those who cannot take the two major works in their entirety—although *The Ancien Régime* is not a long book—there are also selections and abbreviations. John Stone and Stephen Mennell have chosen a number of extracts from the two major works, the *Souvenirs*, and other writings to illustrate Tocqueville's claim to be a major sociologist—a sociologist free from the intense specialisation that is characteristic of most present-day sociologists as well as from their jargon.[2] The result is a workmanlike little book which students will find useful in getting a feel for Tocqueville's methods and style of argument and some of his more famous generalisations or speculations.

The editors provide a useful and unpretentious introduction setting out both the main facts of Tocqueville's career and his main contributions to social thought, together with a brief bibliography almost exclusively confined to works in English. Given the current state of linguistic achievement among British students, and still more among Americans, this restriction makes sense.

The authors are fairly conventional in their

[1] The new complete edition under the supervision of J. P. Mayer and André Jardin has undergone many vicissitudes and changes of plan since the volumes began to appear 30 years ago. Even specialists find it hard to keep up. Thus the editors of the work noted below, which appeared in 1980, fail to note that Tome XIII which appeared in 1977 contained not the miscellanea which they expected but (in two volumes) the very important correspondence between Tocqueville and Louis de Kergorlay.
[2] *Alexis de Tocqueville on Democracy, Revolution and Society*. Edited by JOHN STONE and STEPHEN MENNELL. The Heritage of Sociology Series. University of Chicago Press, $27.50, £16.50.

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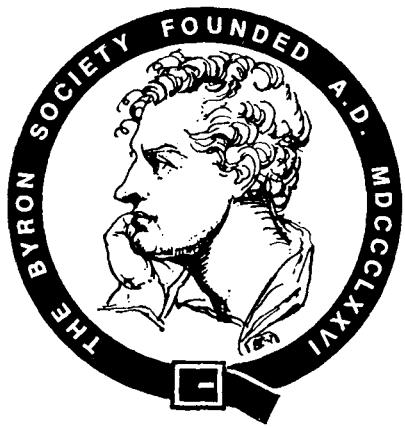

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approach; in particular they do not find much to worry about in the interpretation of the key words and phrases that go to make up the Tocqueville intellectual universe. "It is not difficult", they write, "to discover what Tocqueville meant by his basic concepts, such as democracy and liberty, nor to discern well-thought-out theories . . . ."

SUCH A STRAIGHTFORWARD APPROACH is far removed from the mental world of James Schleifer's examination of the composition of the *Democracy*.[3] At first sight one might imagine that all one needs to know is contained in G. W. Pierson's famous book, *Tocqueville and Beaumont in America*, published as long ago as 1938. We thought we knew where the two travellers went and upon whom they relied to supplement their own observations of the American scene. But Professor Schleifer goes beyond Pierson by making use of the mass of manuscript material assembled in Paris in connection with the editing of the complete works, and of the very large collection at Yale, some of it admittedly of transcripts of material now lost or inaccessible. From this Tocqueville's methods of composition can be grasped, and these are not unimportant. For despite the surface spontaneity which makes Tocqueville so delightful to read, his published work represents something far from spontaneous. He amassed not only source material but outlines of what he proposed to say, and memoranda for his own guidance as well as first drafts which were submitted to the critical appraisal of others—perhaps his two research assistants, certainly Beaumont, his own father, and Louis de Kergorlay. The final product can thus be shown to differ from the original versions in many and often important respects. As a work of scholarship, Professor Schleifer's book is impressive even though, as he himself points out, only selected aspects of the *Democracy* are treated. 288 pages of text are followed by 57 pages of notes and a select bibliography of another 13 pages. It has obviously been a labour of love, taking even longer than the nine years spent by Tocqueville on the original work. Professor Schleifer is particularly good in showing that Tocqueville made more use of printed sources than the texture of the work suggests, although (in curious contrast to his habit of submitting his drafts to other people's criticism) he refused to allow his original impressions to be dimmed by reading other interpretative works by

[3] *The Making of Tocqueville's "Democracy in America."* By JAMES T. SCHLEIFER. University of North Carolina Press. $26.00, £14.00.

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his contemporaries.[4] His weakness is that he finds it diffcult to write in clear English his exposition of ideas originally formulated in French. His quotations in his translation from unpublished documents at Yale are inelegant, and occasionally make one feel one would like to see the original texts.

Since so much depends upon the interpretation of individual words and phrases and since, as Professor Schleifer shows, Tocqueville did not in fact (*pace* Stone and Mennell) keep to his original definitions of words like democracy, liberty and individualism, and since the difficulties of conceptualisation help to explain some of the ambiguities of the final verdict on America, this weakness is a serious one. Professor Schleifer makes the pertinent remark that Tocqueville's thinking took the form of contrasting pairs of opposite terms, "pairs in tension": thinking for oneself and not thinking at all, suspicion of authority and the concentration of power, individual independence and submission to the crowd, and so on. But the meanings attached to the terms and their relevance to Tocqueville's observation or recollection of the American scene were never constants.

TWO OTHER JUDGMENTS of general significance emerge from Professor Schleifer's treatment. First, Tocqueville while depending on his American informants and sources overlooked the extent to which they were the statements and opinions of men involved in political controversy and that statements about the relative strength of the Union and the States very much depended on the context in which they were made:

> "He never woke to the strong possibility that his experts, in order to meet a persuasive distrust of central authority, might have underplayed the vigor, the powers and the activities of the federal government and exaggerated the strength, the rights, and the ambitions of the states. . . ."

Occasionally, his mind was too fixed in traditional modes of political thought to take into account some special features of the American scene. Thus he rejected, without fully weighing it up, Madison's contention that size alone would produce a multiplicity of interests which would furnish a brake against over-centralisation. Again, there is very little consideration of the relationship to the source, of political authority of the location of financial power.

Second, it becomes clear that while Tocqueville began as something of a geographical determinist, he ended up giving little weight to either environmental considerations or ethnic inheritance. And despite the attention he clearly gave to the transport revolution in progress at the time of his American visit, technology played a minor role in his outlook for the future; the fact that other writers dwelt upon this theme is at best only a secondary explanation. Tocqueville was a writer who even when writing in sociological vein was heavily committed to stressing the role of ideas and the freedom of will of man himself.

FINALLY, ONE CAN SEE much more clearly than before the extent to which it was not America but France that dominated Tocqueville's thinking both in the sense that he approached the United States with some of his major ideas already fully formulated, and in the sense that in deciding what form to give his published thoughts he took into account the possible impact of his book upon current controversies in French politics and indeed upon the possibilities of a political career for himself. One reason for the success of Professor Schleifer's approach is that Tocqueville was the most self-conscious of writers, seeing his works and his career as positive constructions of his own will. Nothing could be further from the Tocqueville image than the modern academic sociologist seeking his sustenance at a distance from reality and remote from the idea of exercising power. But few modern sociologists are Norman aristocrats of independent means . . . . More's the pity.

[4] How voluminous this literature was has only been grasped since the publication in 1962 of René Rémond's *Les Etats Unis devant l'Opinion Française*. It would be interesting to know how many other writers avoid reading what contemporaries are writing on the subject. The only contemporary example I know of personally is the late Cecil Woodham-Smith, who, while writing her (alas unfinished) life of Queen Victoria, deliberately refrained from reading Lady Longford's biography.

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AUTHORS & CRITICS

World War II Strategy

Looking Back at 1943

By John Grigg

LAST YEAR I HAD published a book on Allied policy and strategy in the Second World War.[1] To do so was, I knew, asking for trouble, because it can be almost as dangerous to write about a war as to take part in one. Military historians tend to occupy entrenched positions, and any layman who carries out an exploratory patrol into their territory can be sure of a hot reception—if, indeed, he can penetrate the outlying minefields and get near enough to his objective to attract the defenders' fire.

The main purpose of my book was to challenge what appeared to be among World War II historians an established consensus concerning the date for Allied re-entry into North-West Europe. It seemed to me that the case for 1944 as the earliest possible date was too unquestioningly accepted, and that the justifiable rejection of 1942—when there was a premature **"Second Front Now!"** agitation—had, perhaps, caused the far more cogent case for 1943 to go by default. In the process of suggesting that that might be so, I hoped also to give a more realistic account of the War and to dispose of a number of incidental myths (for instance, that "Pearl Harbor", rather than Hitler's quite unnecessary declaration of war four days later, brought America into the war against Germany). I did not set out to be assertive, but rather to tell the story afresh, to raise questions and to deploy arguments.

Judging from the scale and quality of the reaction, I feel I must at least have got through the outer defensive perimeter. A fair number of leading military historians bothered to review the book, as did some eminent historians who are not military specialists, and several people with outstanding practical experience. Many of the notices were very kind about the narrative and expository side of the book, and a few expressed sympathy with the central argument. This, however, was on the whole subjected to very heavy fire, from a variety of angles. The strength of opposition was flattering, and fortunately rather less lethal than might have been expected. It has left me with the sensation of being only superficially wounded, and with no desire at all to quit the field.

Hence this article. Now that the principal areas of disagreement have been defined by the critics, it seems worthwhile to pursue the discussion with special reference to those areas. Clearly it would be absurd to recapitulate here the whole argument of the book, since many aspects of it seem, by implication, to have been accepted even by the critics.

FIRST, THERE IS the more or less philosophical question: Is the consideration of historical might-have-beens a valuable, or even permissible, exercise? A strong exponent of the view that it is *not* is A. J. P. Taylor who, reviewing my book in *The Observer*, wrote:

> "It is hard enough to find out what happened without dreaming what might have happened. Change one move in the historical game and everything will turn out to be unrecognisable. . . ."

But he added, generously: "Such speculations are fun, particularly when presented by . . . John Grigg." David Kahn in the *Chicago Sun Times* made the same points, without the personal generosity. In his opinion, imagining what might have been is "probably the most fruitless undertaking in historiography" (though also "one of the most fascinating of intellectual pastimes").

A very different philosophy was proclaimed by Hugh Trevor-Roper (Lord Dacre of Glanton) in his valedictory lecture as Regius Professor of Modern History at Oxford (the text of which was printed in the *Times Literary Supplement* on 25 July 1980). In this lecture he said:

> "If we are to study history as a living subject, not merely as a coloured pageant, or an antiquarian chronicle, or a dogmatic scheme, we must not indeed lose ourselves in barren speculations, but we must leave some room for the

[1] *1943: The Victory That Never Was*, Eyre Methuen (London), Hill and Wang (New York).

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imagination. *History is not merely what happened: it is what happened in the context of what might have happened. Therefore it must incorporate . . . the might-have-beens"* (my italics).

And he went on to say:

"It is only if we place ourselves before the alternatives of the past, as of the present, only if we live for a moment as the men of the time lived, in its still fluid context and among its still unresolved problems, if we see those problems coming upon us, as well as look back on them after they have gone away, that we can draw useful lessons from history."

In practice, A. J. P. Taylor does not refuse to consider "the alternatives of the past." He may do it in spite of himself, but he does it just the same. Take, for example, the last page of one of his most famous and controversial books, *The Origins of the Second World War* (1961), part of which reads:

"Men will long debate whether this renewed war could have been averted by greater firmness or by greater conciliation; and no answer will be found to these hypothetical speculations. Maybe either would have succeeded, if consistently followed; the mixture of the two, practised by the British Government, was the most likely to fail . . . . The British people resolved to defy Hitler, though they lacked the strength to undo his work. He himself came to their aid. His success depended on the isolation of Europe from the rest of the world. He gratuitously destroyed the source of his success. In 1941 he attacked Russia and declared war on the United States, two World Powers who asked only to be left alone. In this way a real World War began."

Anybody who studies that passage at all carefully will see that Mr Taylor is directing our attention to might-have-beens of the most fundamental kind. He is passing judgment on Neville Chamberlain's policy and suggesting that Hitler could have won the European war if he had not "gratuitously" turned it into a World War. The whole book—a brilliant account of what actually happened, and how it happened—is thus placed firmly in "the context of what might have happened." A. J. P. Taylor is a great historian precisely because he has the imagination to raise such questions. Of course, it is true that there can be "no answer" to hypothetical questions about the past, but that is no reason for ignoring them; and Taylor does not, in fact, ignore them. He merely holds, theoretically, that they ought to be ignored, whereas Trevor-Roper holds the opposite theory.

THE SUGGESTION THAT if "one move in the historical game" is changed "everything will turn out to be unrecognisable" is surely (to put it mildly) exaggerated. History is not a game, but even if it were the inference would be false, because changing one move in, say, a game of chess does not make the board and all the pieces on it unrecognisable. Indeed, it is quite possible to go back over a game and to consider how it might have developed if a different move had been made at a particular moment. In history the task is certainly more complicated, because human beings are not inert objects like chessmen, and life cannot be made to conform to a single set of rules. All the same, it is quite legitimate for an historian to hint at an alternative scenario for the past on certain conditions which can be specified, and the exercise may then help to illuminate the record of events as they actually occurred.

WHAT ARE the necessary conditions? For a start, any such projection must be extremely tentative and show a full awareness of the many variables involved in any human situation. A might-have-been can only be projected, convincingly, in general outline; any attempt to fill in the details is automatically suspect.

Another "must" is the strict avoidance of anachronistic assumptions. People in the past should not be credited with knowledge that was not available to them at the time, or with ideas not yet in circulation; and, by the same token, they should not be criticised for lacking such knowledge or ideas. It is also important to avoid what might be called hypothetical anachronism, through a failure to recognise, and so allow for, major consequences almost inevitably flowing from any imagined change in the course of history. Finally, all speculation about the past should be aimed at improving our understanding of the past itself, rather than at serving some contemporary interest or propagandist cause.

One rather striking example of hypothetical anachronism is to be seen in an argument used against me by Alan Clark MP (in a letter to *The Times*) and John Keegan (reviewing my book in the *Times Literary Supplement*). Mr Clark, noting that "there was virtually no major activity on the Eastern front between March and July" (1943), concluded from this that the formidable German strategic reserve would have been entirely free for use against the Western Allies, if they had landed in Normandy a year earlier than they did. Mr Keegan made the same point in a slightly different form.

"In mid-1943 [Hitler] was . . . recovering his nerve after the setback at Stalingrad and in July allowed Zeitzler, his new chief of staff, to commit the armoured reserve at Kursk, with fatal results. But had the Allies appeared in France that

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summer—and the seasons would have forced them to land before July—it is certain that he would have deployed his tanks there. . . ."

Both writers assume that all would have been quiet on the Eastern front in June 1943, whatever the circumstances.

In doing so, they fail to reckon with a consequence which could, far more reasonably, be assumed to flow from my hypothesis regarding Allied decisions at the beginning of 1943. When Roosevelt and Churchill and their staffs met at Casablanca in January, they decided, in effect, that there would be no cross-Channel invasion that year, but that Allied operations in Europe would be largely confined to the Mediterranean theatre, apart from the heavy bombing of Germany from bases in Britain. The Russians were informed of this decision, and it is therefore hardly surprising that they chose to adopt a defensive posture in the spring. But if the decision at Casablanca had been different—if the Russians had been told that a proper Second Front would be opened in the West in June 1943—it is as certain as anything hypothetical can be that they would have launched an offensive to coincide with the Allied landings. They would have done so not, of course, for their Allies' *beaux yeux*, but because they could not afford to let the invasion fail.

IF MY SUPPOSITION is correct—and it seems a good deal more rational than that of Messrs Clark and Keegan—then it must follow that the German strategic reserve would *not* have been entirely free to concentrate against the Allied bridgehead in the West, but would have been torn both ways, with the huge additional disadvantage, compared with a year later, that in 1943 the two fronts were far more widely separated. (In the spring of 1943 the Eastern front was still hundreds of miles inside the Soviet Union; whereas a year later it was, in the North, either close to or across the Polish border, in the South at the approaches to Rumania.)

Another argument used to question the feasibility of a full-scale invasion in 1943 is that not enough American troops would yet have been trained, or prepared psychologically, for the ordeal. It is not denied that enough of them were under arms, but too few, it is said, had battle experience; and, among those who had, not all had proved very reliable. In particular, the poor showing of American troops in the Kasserine Pass engagement (in Tunisia) crops up again and again. Corelli Barnett, for instance, wrote (in *Now!* magazine):

"Would not the Axis have taken advantage of any weakening on the Allied side in North Africa to launch a grand offensive of their own? Rommel's stroke at the Kasserine Pass caused enough flutters as it was."

And David Kahn (in the review already quoted): "Most [American] troops were still in training, and how unready for combat they were was demonstrated all too bloodily by their repulse . . . at Kasserine Pass." Even US General James M. Gavin, *though on the whole supporting my* argument (in a most friendly review in the *New Republic*), raised a doubt about the battleworthiness of American troops in 1943, remarking "we did not exactly cover ourselves with glory [in North Africa]. . . ."

British snideness about the Americans at Kasserine is fairly traditional. (I remember a Brigadier referring to the matter with evident *Schadenfreude* in early 1944, when addressing a battle course that I was attending.) But it is more surprising that *Americans* should still refer to this isolated incident as though it were typical. True, the first impact of Rommel's attack in February 1943 threw the Americans guarding the Kasserine Pass into temporary disarray, rather as the Ardennes offensive caused a temporary local collapse in December 1944. But on the first occasion, as on the second, the Americans soon pulled themselves together. After a few days at Kasserine (as Liddell Hart tells us), Rommel became "impressed by the growing tactical skill" of the Americans.

In any case, it is quite wrong to argue from Kasserine that the US Army as a whole was unfit for serious combat. Already, unseasoned American troops had shown great doggedness in the Bataan peninsula, on Corregidor, and on Guadalcanal. Eight months later, at Salerno, the US 36th division, without previous battle experience, was to show conspicuous fortitude in a tight spot. However inglorious the American performance at Kasserine, it was as nothing compared with the British surrenders at Singapore and Tobruk, which caused British leaders to have grave doubts about the morale of their army (doubts that were kept secret, of course, at the time, and even now are seldom admitted by British historians). It was, and is, very galling to British pride that the Americans, arriving late on the scene from their privileged country, were not at first manifestly inferior as fighting troops. But the facts, world-wide, do not suggest that they were. Even in the 1944 Normandy landings a large proportion of the American troops were new to battle; and that was one reason why Hitler underrated them. Events were to prove him wrong.

CORELLI BARNETT's suggestion that the Germans would have been able to launch "a grand offensive" from their Tunisian bridgehead, if the decision at Casablanca had been in favour of a cross-Channel invasion in 1943, is, frankly, astonishing. Their supply line across the sea from Italy was by then so vulnerable that their commander, von Arnim,

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would (as he himself later said) have been forced to capitulate by the beginning of June 1943, even if there had been no Allied assault upon his position. On that evidence the priority given, at Casablanca, to the storming of Tunis was quite unnecessary; and there can be no doubt that it helped to prejudice discussion of a cross-Channel strategy in 1943. But even those who might be sceptical of the Germans ever surrendering in Tunisia through the effects of blockade alone, must surely be far more sceptical of their ability to have mounted "a grand offensive" when the supplies getting through to them were, in volume, about a quarter of the minimum needed for survival. They were, surely, at the mercy of sea and air power, and would have remained so even if the forces facing them on land had been heavily reduced.

THE AMERICAN CHIEF OF STAFF, General George C. Marshall, came to Casablanca firm in the conviction that Nazi Germany could only be defeated by the direct route, and that Mediterranean operations could never be more than a "side-show." This had always been his view; and because of it he was opposed to the Allied landings in French North Africa, judging that they would inevitably commit the Allies to large-scale Mediterranean operations for the indefinite future.

But was such a commitment inevitable in January 1943, when the leaders met at Casablanca? The landings had been remarkably successful (with the assistance of great good luck in the person of Admiral Darlan); and by the end of the year the whole of French North Africa, apart from the Tunisian bridgehead, was in Allied hands—as was nearly the whole of Italian North Africa. Italy had become more than ever an incubus rather than an asset to the Germans, and it was only by invading Italy in the summer of 1943 that the Allies achieved the perverse feat of turning that country to the Germans' advantage. Thereafter, during two years of arduous and costly campaigning, far more Allied than German troops were pinned on the Italian front, in terrain naturally favouring defence, while Allied communications were obviously immensely longer than those of the enemy. Did all this have to happen?

Both A. J. P. Taylor and Michael Howard (in the *Sunday Times*) quoted against me Kitchener's dictum that one had to make war not as one would wish but as one must. In other words, they accept the basic inevitability of Allied strategy in 1943. Professor Howard maintained that it would have been "logistically impossible" to redeploy forces back from North Africa "in time to launch a cross-Channel attack before 1944"; and that General Marshall, therefore, could "see no alternative" to Alan Brooke's plans for further operations in the Mediterranean. The truth is that Marshall and the American planners—who were much thinner on the ground at Casablanca than their British counterparts, because it was the first conference that they had attended outside America and they came relatively unprepared—sold the pass by never discussing what could be done if the Tunisian bridgehead were invested rather than stormed. The logistical debate, such as it was, proceeded on the assumption that Tunis had to be taken before anything else could be done; and, since Eisenhower had decided that Tunis could not be reached until the spring, that effectively disposed of the matter.

John Terraine, however, discussing my book in the *Daily Telegraph*, argued that there could not have been a sufficient build-up of forces in Britain for a 1943 invasion even if the North African campaign had been "closed down at the end of 1942." He quoted Keith Sainsbury as authority for the view that at most 21 divisions could have been available, "not the 48 which the American planners themselves had originally considered necessary for success. . . ." This figure can be arrived at only by assuming that there could have been no addition to the Allied troops already in Britain at the beginning of 1943, except by withdrawing troops from North Africa. By that time the US had 73 divisions mobilised, the British 38, in different parts of the world. If at Casablanca overriding priority had been given to concentrating 48 divisions in Britain for a 1943 summer invasion, it is hard to believe that the job could not have been done. Instead, the invasion was postponed, with the result that the Allies' fighting and logistical resources were dispersed.

SO FAR AS logistics were concerned, the key factor was, of course, shipping. And if the necessary shipping, including landing-craft, was to be available for a cross-Channel invasion in 1943, it was essential that the strategy of beating Hitler first—which had been accepted in American contingency planning even before the United States became belligerent—should be rigidly adhered to.

Unfortunately the manifest British reluctance to invade in 1943 played into the hands of those in America who felt that beating the Japanese was the more urgent and important task. This view was particularly strong in the US Navy, which had Pearl Harbor to avenge and which could mount operations against the Japanese without having to bother very much about Allies, or even about the US Army. It was also a view which (according to opinion polls) the majority of Americans appeared to support. Only the firmest leadership by President Roosevelt, reinforced by unswerving British resolve that decisive victory should be sought in Europe in 1943, could have counteracted the pressure for increased activity in the Pacific, with the enormous

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demands for shipping that that entailed. The British, however, had no such resolve, and in consequence Roosevelt failed to withstand the US Navy's pressure.

The strategy of beating Hitler first gave way to one of fighting both enemies on a large scale simultaneously, and to a competition for resources which could only be disastrous.

AFTER THE BATTLES of the Coral Sea and Midway in May-June 1942 the eventual outcome of the Far Eastern war could hardly be in doubt. The Japanese were entirely dependent on sea power, and once the Americans had reasserted themselves in the Pacific it could only be a matter of time before the Japanese economy, and therefore the Japanese war effort, collapsed. Hitler, on the other hand, controlling most of Continental Europe and large areas of the Soviet Union, was not similarly dependent on sea power; and, if allowed to become master of the whole Eurasian land-mass, would be more or less invincible. Clearly, therefore, from mid-1942 onwards, he was the more dangerous enemy to the United States no less than to Britain. He needed to be beaten not only first, but quickly. In the event his war machine was broken only four months before that of the Japanese—a measure, it would seem, of the Allies' failure to concentrate their resources against him in 1943.

Shipping in the European theatre was certainly inadequate that year, though less so than is commonly supposed. More ships took part in the invasion of Sicily in July 1943 than in the D-Day invasion the following year. But those ships, from the point of view of actually winning the War against Hitler, were in quite the wrong place, as were the troops they transported. Moreover, they included too small a proportion of landing-craft for the type of operation needed in North-West Europe (only 1,742, as John Terraine points out, compared with over 4,000 used on D-Day). Yet it has to be remembered that American production of landing-craft fell from top to twelfth place towards the end of 1942, as doubts began to spread of British willingness to go for a knock-out blow in 1943. Had those doubts not existed, the manufacture of landing-craft would probably have remained very high, if not top, in the order of priorities. Even as it was, there would certainly have been enough landing-craft for a cross-Channel operation in 1943, if fewer of them had been pre-empted for the Pacific.

IT IS SAID, though, that invasion would have been out of the question until the war against the U-boats had been won, and that they were still far from beaten in the early months of 1943. The argument is not that U-boats could have seriously threatened the invasion itself, but that their continuing activity in the Atlantic would have hit the preliminary build-up and subsequent supplies from the New World. What is the answer? The means to defeat them already existed at the beginning of 1943, and by the middle of the year they were, in fact, virtually defeated. It is reasonable to believe that, if the invasion had been decreed for that year—if, therefore, the security of the North Atlantic route had become the Allies' overriding preoccupation, in practice as well as theory—the heavy sinkings in February and March would have been avoided. The revival of the U-boat threat in those months may be seen, perhaps, as yet another aspect of the price paid for the Allies' blurred strategic decisions at Casablanca.

Long-range aircraft, for instance, were vital to the success of the anti-U-boat campaign, but it was only after the crisis of February-March that they were provided in adequate quantities. At the beginning of the year the long-range bombers of R.A.F. Coastal Command were transferred to Bomber Command, to which all newly produced bombers were also allotted. Beyond question this was a prime cause, if not *the* prime cause, of the revived U-boat threat. Had the Allied leaders at Casablanca imposed their will upon the airmen, instead of being themselves imposed upon, the battle of the Atlantic would surely have been won in early rather than mid-1943. In any case, one of the best ways to win it conclusively was to liberate France and so deny Germany the use of France's Atlantic ports.

THE MISUSE OF Allied air power is tragically evident throughout 1943. The war effort as a whole was distorted for the sake of a bombing strategy which many knowledgeable people criticised at the time on practical grounds (to say nothing of the moral objections). Conceivably, the War might have been won by air power alone, but only by concentrating on key targets within Hitler's war economy. By 1943 it should have been obvious to all concerned that "area" (i.e. indiscriminate) bombing would destroy neither the Germans' war production nor their civilian morale. It should also have been obvious that raids deep into enemy territory were grossly wasteful of Allied aircraft and lives, in the absence of long-range fighter escort. Yet the aircraft which was capable of transforming the whole scene was ready to hand, if only the decision had been taken sooner to mass-produce it. This was the P-51 Mustang, the original model of which was bought from America for the R.A.F. in 1940, and of which the new improved model was tested in October 1942. The new Mustang could escort bombers up to 600 miles from their bases, and it gained rather than lost

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speed at higher altitudes. With the help of Mustangs the American policy of precision bombing by daylight might have succeeded; without them, it was doomed. Yet it was not until the end of 1943 that the mass-production of Mustangs was ordered.

John Terraine suggested that the importance of this aircraft could not have been known at the time. After quoting me on the subject, he wrote:

> "Alas it is true throughout history that if men had known at the beginning what they knew at the end, and acted differently, things might have turned out otherwise."

But the capability of the Mustang *was* known in late 1942, and the need for it was manifest. All that was lacking was action. If those responsible had "acted differently", things surely *would* have "turned out otherwise." Correlli Barnett echoes John Terraine, on this point, though with a different emphasis:

> "Mr Grigg's contention that the Allies could have had air superiority over the battle area in 1943 is *particularly suspect*, because at that time the German fighter force was still at the peak of its effectiveness. It was the US 8th Air Force's attrition of German fighters in the first half of 1944, *using the newly operational long-range Mustang escort*, that made possible the Allied domination of French skies by D-Day" (my italics).

Anybody reading those words could be forgiven for thinking that the new Mustang was not even potentially available before the first half of 1944, whereas in fact it was potentially available a whole year earlier. It would seem that Mr Barnett's criticism is more suspect than my contention.

On the general issue—could the Allies have invaded successfully in 1943, and might victory therefore have been won in Europe a year earlier?—my aim, as I have said, was merely to invite reconsideration of the question. Perhaps the argument in which so many high-powered critics have joined is enough to indicate that the question *is* being reconsidered. Enoch Powell (in the late *Books and Bookmen*) said that he doubted if my thesis could be "formally refuted"; and Robert Blake (in the *Illustrated London News*) said that it could not be proved to be wrong. Enoch Powell, however, is not in sympathy with the thesis, for a curious, though characteristic, reason. He felt in 1943 (and feels still) that there should at that time have been "a massive redirection of effort to the Far East, to reverse the consequences of the loss of Singapore and to regain Britain's position before it was pre-empted by the Americans. . . ." Though "bitterly anti-Nazi and anti-German" he favoured peace with the Germans, who could then, he thinks, have been relied upon to "deal most effectively with those who had led them to disaster." Lord Blake disagreed with me, too, but not in the name of any bizarre alternative strategy. His conclusion was guardedly orthodox: "the unanimous view of contemporary Anglo-American planners, endorsed by most historians, cannot easily be set aside. . . ."

SINCE MY BOOK APPEARED another has been published with much the same theme, providing on the whole strong endorsement, not of "the unanimous view of contemporary Anglo-American planners", but, coincidentally, of my own argument.[2] The author, Dr Walter Scott Dunn Jr., is director of the Des Moines Center of Science and Industry, and his book is published by a university press. He and I must have been writing at the same time, quite unaware of each other's efforts. Though his technique is academic, mine essentially journalistic, there is much common ground and in a way the two books are complementary. The special value of Dr Dunn's lies in its very detailed analysis of such matters as war production, order of battle, logistics, landing-craft, tanks, training, intelligence and air power; its relative weakness, perhaps, is on the political side. So far, unfortunately, the book seems to have attracted very little notice, at any rate in Britain; but if and when the military historians get around to reviewing it, I shall be very interested to read their comments. Because my book was written, on my own admission, almost exclusively from printed sources, it was open to them to imply that crushing answers to me could be found in the "primary sources", though the exact nature of those answers was not disclosed. It will be less easy for them to deal thus with Dr Dunn, who can fight them with their own weapons and who is well equipped to survive a war of academic attrition.

Of course it is never easy to reopen a question that experts, living and dead, have conspired to treat as closed. But at least it should be understood that the conventional wisdom in this case is no less speculative than the arguments with which Dr Dunn and I have presumed to question it. What happened is fact; whether or not it should have happened as it did must always involve conjecture. Moreover, what most historians have endorsed was not a truly unanimous contemporary view—though, even if it had been, it might still be quite wrong—but a strategy resulting from the fudging of incompatible views.

Those who got their way, substantially, at Casablanca won the privilege of *making* history, and of course they did the best they could according to their lights. But it seems a bit much that they should have been allowed, so far, to dominate the *writing* of history as well.

[2] *Second Front Now—1943*. By WALTER SCOTT DUNN, JR. University of Alabama Press, £12.85, $21.40.

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IN THE MARGIN

American Notebook

The Perception of Words

By Melvin J. Lasky

New York City

I BOUGHT my copy of last Saturday's London *Daily Telegraph* here at the Algonquin Hotel whose lobby is crowded with Englishmen struggling with the *New York Times* and Americans exercising their Anglo-Saxon nostalgia with air-mail editions of the British press. Under the headline "CONCISE JOHNSON DICTIONARY OF CURRENT AMERICANESE" I note that my friend Paul Johnson, at the end of his year's residence over here, "undergoes the trauma of decompressing the on-going wordshops of America with the Old World niceties of his empathetic support-function. . . ."

We all have our troubles; and perhaps he, fastidious Johnsonian stylist that he is, has had more than most. Friends of his in Washington had role-reversals in order to provide full support-functions for their wives' writing activities. He was never sure what was right or wrong, good or bad, about someone who was being called *feisty* or *funky* or *flaky*. He didn't like the Vice-President of the United States predicting more *fomentation of hegemony in Africa*, or a famous columnist trying to "diffuse" tension by "wading into this thicket of emotions." But he should really have known the difference between snooty and snotty; and some womaniser in Washington might well have told him what was being referred to in the (slightly mis-heard) reference to a "ditsy bimbo."

On this quick coast-to-coast trip I found myself having more linguistic and stylistic difficulties than ever before. I stared at whole sentences in the newspapers from New York to Los Angeles and wondered when I had begun to lose contact with the American language. I simply was not sure I knew what Flora Lewis meant when, in a dispatch from Paris, she reported on some French politician: "He dumps on everybody, left and right." Nor was I any clearer about the same day's *New York Times* story of how Huntington Hartford returned to Columbus Circle: "The former owner was there, looking pleased to see his old building gussied up." Dumping, I imagine, is something bad. Was being "gussied up" something good, or was H.H. pleased to see his old mansion in dirty decline? And was it very small or very large sums of money that were involved in the Philadelphia ABSCAM case (see ENCOUNTER, Life & Letters Today, January, p. 96) when the Congressman accepted a brown paper-bag full of "walking-around money"...?

I HAVE BEEN collecting such phraseology for many years now, have indeed envelopes full of tattered clippings which I have never dared to send on to R. W. Burchfield to assist his researches for the new volumes of the *O.E.D.* For one thing it might reinforce his controversial thesis, well-known to readers of these pages, of how the American and English languages are swerving apart at an accelerating pace and that in another generation or two they will need to be translated into each other. For another, fast-moving American speech hurtles from innovative slang to obsolescent cliché without ever having sufficient time to make a useful entry in the dictionary.

The Wonderland fact of the matter is that Americans, in their vaunted devotion to freedom and rugged individualism, like to make words mean whatever they want to mean, and like Humpty Dumpty are quite prepared to pay extra for the liberty. What, for example, happens to the meaning of "to deter" when, after having failed to deter the USSR, the US Air Force is called in to make a strike?

> "A Defense Department spokesman agreed that the US could not prevent a surprise Soviet missile attack on Persian Gulf oilfields but added, 'We could inflict substantial damage on them in revenge. That's our real deterrent.'"
>
> (*New York Daily News*, 1 December 1980, p. 25)

Well, that's a "deterrent" that might well cost the Pentagon an extra billion.

But surely this is not quite comparable to the costs in anguish to the publisher of the *Washington Post* and *Newsweek Magazine* who has usually registered her satisfaction at the passing of the militant mood of the '68 generation (which, in its last outbursts, caused a wholesale destruction of Mrs Graham's printing presses). For anguish it will

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be, if words actually mean what they say (as in this presumably moderate and middle-of-the-way editorial, *Newsweek*, 10 November 1980, p. 15.)

> "Young people seem to be losing . . . joy and hope. The saddest thing for our children is that none of their thrashing, lazing or suffering is dignified by words like struggle, organize, reform, overthrow."

Overthrow? After all, even the Black militants only, wanted to "overcome."

Homemade Fictions

Indianapolis

AT ITS BEST, especially if the sentence doesn't get too long, the tempo of American linguistic verve makes for fast quips, those epigrammatic one-liners made immortal by the collected wise-cracks of Groucho Marx and W. C. Fields. Every day, and everywhere I went, I was confronted with that special kind of wit and wisdom which is a hallmark of the American language. Some one quoted Sgt. Bilko to me:

> "The race is not always to the swift, nor the battle to the strong, but that's the way to bet."

A sage old New York judge wearily remarked: "There is nothing so bad that it can't get worse." A politician, explaining the disastrous end of President Jimmy Carter's reform years, recalled H. L. Mencken:

> "For every human problem there is a neat, plain solution—and it is always wrong."

Nor are the illusions of progress any less vulnerable:

> "I had a terrible dream last night. I dreamed that the man who invented Muzak invented something else."

Finally, those irreverent one-liners of Mae (Diamond Lil) West, so reverently collected by the obituary writers when she died recently, aged 87.

> "Too much of a good thing can be wonderful."
>
> "Between two evils I always pick the one I never tried before."
>
> "I hadn't started out to collect diamonds, but somehow they piled up on me."

BUT, as I say, the danger point is reached when one ventures beyond the one-liner, and then all of America is endangered by the confrontation with a long paragraph. Words begin to slip, phrases break and leak, an impenetrable fog seeps over meanings and implications.

A few years ago, when I did a little local shopping in Manhattan, I could scarcely find anything that wasn't over-priced with the "GOURMET" label. Well, gourmet is now out—and everything is "HOMEMADE." In Los Angeles, Cal., as in Providence, R.I., I found myself buying and eating cookies, brownies, cakes and breads, all presumably made by Mom or Pop in the shop's back-room. Actually, they were all the same mass-production concoctions, efficiently distributed from coast to coast, sometimes with an extra merchandising gimmick of a little flour-machine or a shiny baker's knife or an aromatic chocolate-melter to give the *trompe l'oeil* its ultimate touch of sight and smell. "Homemade", to be sure, if the factory is a home. The ingredients for all the fancy foods, so faddish in the new national infatuation with the personalised and the hand-crafted, are the same ready-mix standard emulsifiers and stabilisers and artificial colouring that go into the supermarket's pre-packaged pasta, ice cream, and soft-centred chocolates.

I am glad to note that, despite all this, the sturdy Yankee character shines through; and I read in today's *Times* an interview with a Mr Joseph Giordano, one of the giants of the homemade ribbon pasta industry, who tells Ms Mimi Sheraton:

Black-listed

New York City

ONCE it appeared in nursery rhymes and playground chants. But now a certain six-letter word is the ugliest racial epithet, loaded and forbidden. Ironically, black people can still use it—only to each other, though, as a kind of gibe against racists who dare not utter it in civilised company.

It's a measure of this country's touchy, ethnic awareness, and agonised care not to offend, that a respected and expert official's career may have been wrecked by that wicked little word.

Dr Abraham Kauvar, head of New York's Health and Hospitals' Corporation, was at a meeting to discuss a new £90 million hospital for the Bronx. Blacks in his audience wanted assurances that they would have a say over the place.

Sensing suspicion and resentment, Dr Kauvar fell back on a homely saying, defined in reference books as "a concealed or inconspicuous but highly important factor. A catch in a situation." They needn't worry, he blurted out, over there being "a nigger in the woodpile."

Kauvar has apologised. Mayor Ed Koch echoes him. Yet still the black community calls for the unwary doctor's sacking.

DAILY MAIL

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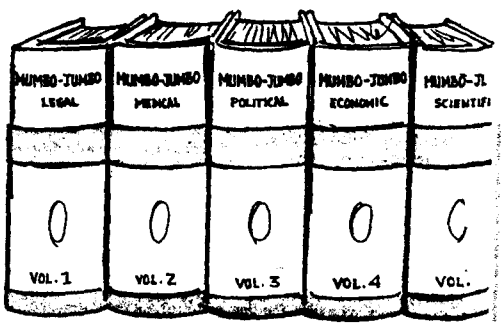
". . . I tell store-owners that our pasta should be cut in the store in front of the customers. It at least doubles the sales. All they have to do is to cut it in front of the customers. They don't have to say it's homemade. They don't even have to lie."

Subliminal

Chicago

LET'S NOT QUIBBLE about the lie already being built-in. Few Americans appear to be truly fooled by such extravagant and basically harmless coups of inventive salesmanship. But the man who invented Muzak may well have invented something else, and the dream is something of a nightmare. The *Wall Street Journal*, which watches all technological innovations like a hawk, has discovered a new item called "*Dr Becker's Black Box*." It is manufactured in Louisiana by the Behaviorial Engineering Corp., and its president, Hal C. Becker, went "dormant" for a while after the Orwellian storm over subliminal advertising twenty-odd years ago. Now, evidently when 1984

The War on Gobbledygook



Washington, D.C.

AFTER A PROMISING START, *a move to substitute plain English for gobbledygook in government and business is running into snags.*

Involved is a drive to make language clear, simple and understandable in everything from insurance policies and loan agreements to federal regulations and income-tax rules. The major impetus for such a program came in the mid-1970s, with presidential backing and a burst of publicity. Now the difficulties of simplifying complicated subjects are catching up with the effort to make things easily understood.

THE RESULT: **Progress in some fields—including many consumer contracts, insurance policies, bank documents, and a few government regulations—but a series of setbacks in others.**

Four states have passed comprehensive plain-English laws—New York, Maine, Connecticut and Hawaii. New Jersey has a bill waiting for the governor's signature. All require use of simple, understandable English in consumer contracts. Two other states, Minnesota and Wisconsin, have passed laws requiring plain English in all insurance contracts. Ohio law calls for simplified language in health and life insurance policies.

An amendment to the California Constitution would specifically prohibit the use of 38 hard-to-understand words, from "*aforegranted*" to "*wherewith*," in laws passed in that state. In Colorado "everybody but the lawyers" welcomed the change.

THERE ARE **unmistakable signs of opposition. Of about 30 states that have introduced legislation since 1977 to require plain language in consumer agreements, bills have been voted down in 26. The New Jersey bill had to be rewritten 18 times. The language in thousands of Federal documents remains as obscure as ever. Lawyers and technicians have vetoed innumerable attempts to simplify private guarantee, employment and consumer contracts.**

The chief reason appears to be that traditional legalistic phrases have been tested out in court cases, while simpler, easy-to-understand expressions have not.

"We know what certain legalese means because of what the courts have determined. If we throw out 200 years of litigation, we don't know what the courts will determine the new terms will be. There may be a totally different interpretation by the courts."

ANOTHER STUMBLING BLOCK *to legislating plain English is the difficulty of trying to define what is simple and what isn't.*

"My major objection to the New York law is that, while it requires plain language, it doesn't tell you how to go about getting it. . . . You cannot legislate plain language."

Some new laws and regulations try to specify how the required plain language must read on the basis of word, sentence and paragraph length. Rudolf Flesch, a language expert of national repute, is credited with devising the most widely used test for measuring readability on this basis.

A modification of the Flesch test is incorporated in Connecticut's new law. To qualify under this law, a statement must have an average sentence length of no more than 22 words, no sentence with more than 50 words and an average of no more than 1.55 syllables per word.

Even the experts admit, however, that short words and short sentences alone do not always make for clarity.

US NEWS & WORLD REPORT

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is so close to the calendar year as to hold no vague terrors, his new machine sells briskly for $9,810 (or leases for $4,800 a year). Thus, in a New Orleans supermarket, under a cloak of background music, a subliminal message is beamed to shoppers and employees, and the subconscious is supposed to pick up the inaudible words:

"I will not steal. If I steal, I will go to jail."

The supermarket owner is pleased with his machine, and says that pilferage used to cost him $50,000 every six months and now its down to $13,000. (Even cash shortages have dropped to less than $10 weekly from $125.)

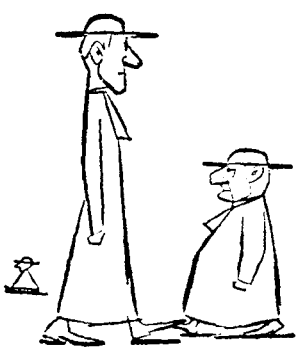
As for a real-estate management concern in Buffalo, N.Y., salesmen hear tapes saying "*I love my job*" and "*I am the greatest salesman*"; and the company president reports that revenue has risen 31%.

Before my readers on the Left begin to fulminate against the latest excesses of the acquisitive instinct under late capitalism, I hasten to note that what Dr Becker calls "human resource potentiation" is also coming to the aid of Health & Welfare. In Gladstone, Mo., patients at the McDonagh Medical Clinic, waiting for a special type of intravenous therapy that takes up to four hours, are told subliminally *not to be anxious*. A doctor reports: Fainting spells used to be a problem for some awaiting treatment, but the messages have now solved the clinic's problem.

Once again, Europeans need never despair of the resilient elements in the stalwart American character. I have been reliably informed that the American Civil Liberties Union is preparing to attack and sue and picket. "It's tantamount to brainwashing", they say, "and ought to be prohibited by legislation."

Godperson

Pittsburgh



ONE MIGHT WELL hope so, but then brainwashing is obviously easier to deal with than language-washing. The efforts of British churchmen to launder the Bible (and associated hymns and services) are as drops of water, or simple soap-suds, compared to the homemade efforts of their American brethren. In Britain the changes are essentially motivated, foolish and misguided as it may be, by the fear that the word of God may not be comprehended, grasped, cottoned-on-to; plain, drab-understandable words are preferred to beautiful old hard ones. In America the cosmetic enterprise is, inevitably, reinforced by so much ideology and sociology that even theology dasn't rear its divine head.

Consider the whole nation-wide drive to purge sexism from all (but the private) parts of home and country. In that spirit how can the Church in America still go on about "God the Father"? The National Council of Churches has now voted to abolish "sexist" references to God, Jesus, and the Holy Spirit (and/or Ghost) by adopting

> "a style of language which expresses inclusiveness with regard to human beings and which attempts to expand the range of images beyond the masculine to assist the church in understanding the full nature of God."

This presumably should appease those radical women's groups which combine atheism with a caring concern about a "masculine cultural bias" both in the Bible and in Church services. Language dealing with God is to be cleaned up:

> "It is possible to minimize the use of He for God and accept a distinct theological style where one refrains from pronouns.
>
> "In such an observation lies the basic theological stance from which we ought to approach the translation of the words for and about God."

All this is intended to apply to Catholics and Jews as well as Protestants, and the new translators will surely have their inter-faith hands full trying to get the *papa* out of the Papacy in Rome or to strike a new bargain between the Grand Rabbi and his *rebbetzin* in Jerusalem. A little theology (*O.E.D.*: "science of religion, study of God, His nature, attributes and relations with man. . . .") might help the churchmen, but even that might be tarnished by its embarrassing masculinity. "Strictly and theologically speaking", it is conceded,

> "no statement about God as Lord, King, Father or He expresses a male reality over against a female reality. The sense of God as Father has no meaning of fatherhood as over against motherhood.
>
> "We would like to overcome the undesired suggestion that the incarnation makes Christ's maleness crucial in such a way as to overshadow the primary import of the word having become flesh and the divine having become human."

But there is little point in "strict speaking" in a trend-ridden age. "God the Father" is scheduled to become "God the Creator"—except, to be sure, in those Judaeo-Christian languages where creativity might have masculine or feminine articles or endings.

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Funny Talk

Los Angeles

I AM TRYING to be as fair as I can about the fate of words in our American language. When in America you hear a new word, *run*—strung along into a single sentence, enjoy the one-liner—but stretched out into a whole paragraph (argumentative, descriptive or prescriptive), leave the country quickly for foreign parts—and if, the Creator forfend, a text is ever for any purposes whatsoever electronically transcribed to be broadcast (whether on a Black Box or a TV box), then pray for your soul.

I am grateful to Jack Smith of the *Los Angeles Times* here for calling my attention to what has happened to the word *beau*. Some California lady made some passing reference to a social engagement involving one of her "beaus." The old folk present were pleased with the decorous language; the young crowd were puzzled, for what did *beau* mean—lover, intimate friend, concert companion, roommate, acquaintance, or what? They thought it was a funny word to use. The others thought it a perfect word to use, saying just enough about the relationship, not too much, not more than they wanted to know or had a right to know.

Is it merely that the words come and go, and *beau* should now really be "live-in boy-friend"? But what used to be called, for a brief season, "togetherness" is referred to at this point in time (previously known as "now") as "integrative familiar tendencies." Educators refer to a school (where plain English is supposed to be taught) as "a venue for learning systems served by a professional infrastructure."

In a new book[1] there is a sharp analysis of "*The Principle of Unnecessary Specification*" by which writers conveniently pad out what they have to say, making the obvious seem profound, the simple complicated, the trivial important, projecting an atmosphere or an aroma of insight and expertness.

[1] Richard Mitchell, *Less than Words Can Say* (Little, Brown, 1980).

American Dialects

Chicago

IN THE *"American" language—or English as it is spoken in America—there are at least 479 differing things one can call a person of conspicuously rural origin, according to Raven McDavid, who has spent decades collecting such terms.*

In Kentucky, a hillbilly is a hillbilly, but in Maine, he's a hayseed.

In Georgia, he's a cracker, but in New York State, he's a backwoodsman.

In North Carolina, he's a mountain boomer, but in South Carolina, he's a poor buckra.

McDavid, a professor emeritus at the University of Chicago, has been gathering words and pronunciations for his "Linguistic Atlas of the United States" which, when it is finished, will be a virtual library of all the dropped **r's**, *mispronounced vowels,* **ain't's, cain't's**, *and* **tain't's** *in the country.*

TAKE THE TRIO OF *Carter, Kennedy and Reagan, for example. If a fog came over the White House one morning, how would they pronounce it?*

"Fawg," Carter would probably say, betraying his Southern roots.

"Fohg," Reagan, who is from California but originally hails from Illinois, might say, giving it a central American pronunciation.

"Fahg," Kennedy, a New Englander, would likely say.

THERE IS *the Milwaukeean who asks where a* **"bubbler"** *is. He is looking for a drinking fountain. And there is the Philadelphia youth who suggests that his country cousins* **"bag school."** *He means play hookey.*

In Charleston, if they tell you to go sit on *the piazza,* **they are inviting you to sit on what is called** *a porch* **in Kentucky and** *a stoop* **in the Hudson Valley.**

In Baltimore, policemen do not hit people with their nightsticks, they hit them with their *espantoons.* **In the Minneapolis area boys do not flip each other with rubber bands, they do it with rubber binders. In Savannah, Ga., and Philadelphia, when they speak about** *the pavement* **they mean** *the sidewalk,* **not** *the street.*

DESPITE THE COMMON MYTH *that there is "pure American" spoken somewhere, that is not true, McDavid said. You cannot even predict the way a person will speak based solely on his home town. Linguistic Atlas researchers have found people who say* **"warsh,"** *generally a Southern pronunciation for "wash," as far north as Vermont. And in Calhoun County in southern Illinois, McDavid found people who use the New England verb form, "hadn't ought."*

TELEVISION is not the great leveler of language that some people think, largely because people do not talk back to the television set. A Bostonian who hears the Midwestern accent of Walter Cronkite on the nightly news is still going to talk like a Bostonian. "Language is influenced by people with whom we have contact," McDavid said.

McDavid has been editor for 28 of the 49 years that research on the atlas has been conducted.

"Now I have to carry the bucket on my shoulder," he said of the atlas. Asked where he got that expression, he laughed.

"Ah don't know," he said.

Susan Smith
in the LOS ANGELES TIMES

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"It is the incense of incantatory prose, and a few deep whiffs can transport the intoxicated worshipper into what grant-seekers of all persuasions would surely call 'new levels of awareness'. . . ."

At its most innocent the fate of simple words and clear meanings is a matter of changing generations; at its most corrupt it is a rebarbative process in which elevators (or lifts to those new levels) become, as they are in fact called in official documents, "integrated single-module vertical transportation systems." The gobbledygook is, according to Jack Smith, "poisoning our institutions and choking discourse between them and the people they are supposed to serve"; and he thinks he knows when it began, namely with the fashion of using a "scientific" word instead of a simple word that had long been in use. No wonder he is transported into a nostalgia for the day when iceboxes were not yet electric and were not called refrigerators. He is distressed by the notion that old folk talk funny.

Black & White

New York City

Rock against the misuse of 'hopefully'

FUNNY OR NOT, I cannot escape the impression that new folk talk nonsense, and sometimes worse. The estimable William Safire has now added another volume to his previous study of the political usages of language in America,[2] and it only reminds us of what a pleasant pastime—for on a serious level, it is a lost cause—"word purism" has become. (A despairing John Wain gave me the other day a badge for my lapel, on which was printed: "ROCK AGAINST THE MISUSE OF 'HOPEFULLY'.") What is the nature of the infection, contagion or mimesis which spreads the hateful, hopeless word like wildfire? Right on. Can it be in the essence of man's speech to resort habitually to primitive grunt-like signals? A rip-off. Is it that people feel better when they speak worse? No way.

As my old Marxist friends used to say, there are deeper social reasons, comrade; and there always are. Why has *perception* become such a modish word, so much so that in the fortnight of my travels here in the USA I have marked it a total of 215 times in my newspapers and periodicals (not counting the TV news and commentaries)? Sometimes it stood in for (as in "the Soviet perception of Western policy" or "the Administration's perception of inflation"), *attitude, view- or standpoint*, often for *notion of*, occasionally for *interpretation* or *idea of*, usually for *understanding, comprehension*, and *cognisance*.

The deeper social explanation is (as I sit at the airport clipping my last American newspaper of the trip, awaiting my plane to London) ready to hand. In an age of mounting superficiality only the visible surface becomes important. Optics are all. A pseudo-Berkeleyanism has run triumphant: only what is seen is really *out there*, and *everything* that is seen must be real. No matter that you can perceive a mirage, or a face in the clouds, and that through Aldous Huxley's *Doors of Perception* lay the spectral realms of illusion and fantasy. No matter that you may well be forced to confront appalling and dangerous realities which you do not see and may never lay eyes on. The old prayer enjoins us to "both perceive and know", and even Blake worried about perception uncleansed.

MY FINAL EXAMPLE, from this morning's *New York Times*'s front-page story, is entitled:

PERCEPTION GROWING AMONG BLACKS THAT VIOLENT INCIDENTS ARE LINKED

Now the various killings and kidnappings of Black persons in some half-dozen different US states are appalling enough; if they were indeed linked in some organised conspiratorial connection it would be horrendous. But this has nothing to do with "perception"; it has everything to do with *evidence* and *proof*, with hard facts, collected and corroborated, analysed, pondered and interpreted. "But", says Mr Drew Days 3d, the Assistant Attorney-General for Civil Rights, "the more incidents, the more the perception." Yet he only means the more the suspicion and uneasy alarm; what of hard evidence?

The *Times* reports: "There is no compelling evidence of a conspiracy even though violence against Blacks appears to be increasing . . ." Compelling or not, how much evidence is there of a conspiracy?

> "The perception that one exists is widespread and growing . . . . The latest murder in Youngstown, Ohio, illustrates how the perception grows, by rumor. . . ."

One Black spokesman is quoted as saying: "There could be a link. . . ." The Rev. Jesse Jackson states: "There is almost a hysteria in Black communities because of the belief that there is a conspiracy. . . . Without question there is a psychological conspiracy."

Thus *perception* comes to signify not a piece of reality observed, a real situation seen, but a feeling, an emotion, a suspicion, a fear. Although Mr

[2] William Safire, *On Language* (Times Books, 1980); *The New Language of Politics* (1968).

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Jackson was quite convinced that "this country has taken a definite swing toward fascism", he admitted that he "could offer no evidence to support his assertion."

The careless phrasing of sloppy journalism here only exacerbates the wild imprecision which is running amok. Is "*compelling* evidence" supposed to suggest at least some, if not completely conclusive and persuasive, hard facts? To report that the civil rights leaders "say they do not *necessarily* believe that there is a national conspiracy" is to leave one with the "perception" that we are not seeing what we perceive and not believing what we say. Only the next day was there an adjustment in the direction of sobriety and accuracy when Vernon Jordan, the Black leader of the Urban League who was himself badly wounded by a sniper in Fort Wayne, Indiana, asserted that he did *not* believe there was in point of fact "a national conspiracy of violence" (*New York Times*, 1 December 1980, p. B14).

But this appeared to be a rather lonely and isolated example of plain speaking—and plain English—in the land. The discussion returned to the conventional irrationality which still marks the talk of the '68 generation (anything is true if you feel you think it to be so) when the head of the leading organisation of Black Americans, Mr Benjamin Hooks of the NAACP, put the argument this way:

> "In my book, perceptions are as important as reality."

Whatever one thinks of this as a philosophical proposition, the jumble of words, sentences and paragraphs in America is surely playing a tragic role in the mounting mess. Gibberish coarsens public life, and non-sense can turn out to be an accomplice of murder. There are none so blind as those who only perceive.

Computerising Amerenglish

London

A BRITISH linguist fed a million words into a computer and came out with a surprise: Americans use the English language more correctly than the British.

Based on a comparison of everything from newspapers to novels and Government documents, a Lancaster University professor, Geoffrey Leech, said that, strangely enough, Americans seemed to pay more attention to the rules. He said his computer study also turned up interesting differences in the way the language is used.

"The British tend to assume they are the guardians of the language and we let the language take care of itself... The evidence is that the Americans are more careful than we are, perhaps more guilt-ridden about the language."

*Among other things, he said, Americans are less likely to begin a sentence with "***and***" or "***but***" or "***firstly***", or to match a singular noun with a plural verb.*

THE FINDINGS come from a preliminary analysis of parallel computer studies—of a million words each—carried out at Lancaster and at Brown University in Providence, R.I.

"The English language is the last great cultural legacy of the British Empire. It is essential that we should be as fully informed as possible about the way English is being used in practice."

The researchers also found that the British tended to more frequent use of words associated with gentility and aristocracy, such as **sir, madam** *and* **gentleman.** *An American, for instance, is more likely to say "***grandma.***" Americans use male words like* **he, boy** *and* **man** *more often than* **she, girl** *and* **woman,** *the study found, while such family words as* **father** *and* **mother** *seem more common in British English.*

Americans spend more time talking about **religious faith, God, hell** *and* **Jesus** *than the British, the study determined.*

"WE ARE much more beset by doubts," Professor Leech maintained, adding, in reference to the word "doubt":

"The word itself appears more frequently in our English and so does evidence that we tend to hedge our bets. 'Ifs' and 'buts,' 'although' and 'unless' are all more popular on this side of the Atlantic."

*Despite these and a number of other vocabulary differences—***flat** *and* **apartment, lift** *and* **elevator, jumper** *and* **sweater, biscuit** *and* **cookie**—*Professor Leech said that British usage and American usage were growing more similar.*

Rebutting a theory [see R. W. Burchfield, "The Point of Severance", ENCOUNTER, October 1978] that Britons and Americans will need interpreters in 200 years, he said: "We are in fact getting closer together. We are imitating you." The speed of communications has reversed a trend toward divergence, for "as soon as something becomes trendy in New York it is immediately copied here."

Brown University linguists have been computerizing American usage since 1961 and the Lancaster study has been under way since 1970. Professor Leech has just received a $75,000 grant to continue the study, now joined by Norwegian linguists. The aim of both projects is to jettison what Professor Leech termed "the mythology of English grammar" in favor of everyday usage and to provide guidelines for a "rational" grammar.

"There are good reasons why we don't always dangle our participles," he said, but Shakespeare often used prepositions to end his sentences with.

THE NEW YORK TIMES

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IT COULD, of course, only be that I have grown out of touch with my own language. I never understood what my old friend Jimmy Baldwin really meant when he tried to justify "the Fire Next Time" with the prediction that the Whites were "preparing a genocide" of the Blacks. Nor did I understand a word of what Amiri Baraka (LeRoi Jones), sitting next to Baldwin at a Columbia University forum the other night, was trying to say.

> "When I was writing *'kill white people, kill white people, kill white people'*—and I wrote a lot of poems like that—everybody here read my poems. I wrote a lot of Kill-white-people-immediately-right-now poems, do not pass, go kill 'em at once. Now, I'll tell you something interesting. I had less trouble getting published then. But when I said that the ruling class of this country consists of six-tenths of one per cent, you know, and they are white, then I began to have difficulty.
>
> "The crisis is this. 'White' does not any longer mean what it meant when I was born 56 years ago. Neither does the word 'black' mean what it meant then. The principal, underlying vocabulary has vanished. If England is no longer the center of the world, it is no longer important to be white. The vocabulary that I'm speaking of comes for us, we the black Americans, comes out of that extraordinary holocaust, that diaspora. Despised till today by history, despised by the Western world, despised by people who think they are white, but that voyage across all those oceans has created not only a new black person, but a new white person, too.
>
> "I will tell you this, my friends: The present Administration in Washington is a symptom of the end of the white world as we have known it. . . ." (*New York Times*, 27 November 1980)

The usual prizes for any funky or feisty explication of this flaky text, or indeed any homemade perception supportive of what it all really means. Etymology rules, OK?

M.J.L.

A quiet wedding

They have no photographs—
not even hidden
in a drawer.

But they'll have to tell
the children something
when they ask;

and after all this time
it should be safe
to look back.

The day's still there—
not as they'd imagined
softened to a blur

but dark and hard
like the discarded drink
she found long after

dried up in a glass:
his cough echoing
in the almost empty church,

faces stiffened into smiles,
someone's tactless joke
about a pram (his sister crying),

waving goodbye from the train
and later, in a hotel room
that smelt of cigarettes and beer,

turning back used sheets,
thinking it's all over
and only just beginning.

Vicki Feaver

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LETTERS

Evil Killing "No Murder"

IT WAS A RELIEF after a fruitless correspondence with the Northern Ireland Office, to read Bishop Hanson's honest article "It *is* a Religious Issue" [ENCOUNTER, October]. Behind Unionist intransigence is the mentality produced by Ulster Protestantism, which he describes as "a religion without grace, without scholarship, brutal, noisy, unscrupulous." Its hypocrisy is the worst feature of this mentality. For instance there is much talk of the prisoners protesting at the Maze "having brought their hardships on themselves." Their demands surely raise a problem of international significance. With the shadow of nuclear armaments over the world, declared wars or even those waged with conventional forces are becoming less usual. Prisoners taken in guerrilla struggles can hardly be covered by Red Cross agreements. But since they are now more and more numerous, some new generally recognised status must surely be accorded them? The IRA cannot be compared to Chicago gangsters or even to the fanatics of the Baader-Meinhof gang. They represent a political movement closer to the PLO, SWAPO or the late ZANU-PF. And though the consequences of their actions can be very destructive even if they succeed in their objectives, as we have seen in Zimbabwe, these actions represent a civil war even if a contained one, or at least a revolt.

Then language ought to be used accurately. There can be evil killings in wars. There were at Dresden and Nagasaki. But these are not "murders." Murders take place only in peaceable communities where the rule of law is respected, mainly because citizens have some real hand in shaping those laws and because there is widespread confidence in the police force.

The Unionist parties have tried to pretend that this is the state of affairs in Ulster and that all acts of violence by groups like the IRA are nothing more than ordinary crimes. Certainly the Catholic hierarchy ought to play their part in breaking down the apartheid between Catholic and Protestant youth in schools. But equally the influence of the Protestant clergy ought to be deployed in the interests of truth and honesty.

DÉSIRÉE HIRST

Department of English
University College of Swansea

MY WORDS quoted were directed not against Protestant Unionism as a whole but against one extreme section of it, labelled by me "sectarianism" and carefully defined in the article. I cannot possibly accept the argument that IRA killers are to be classified with (e.g.) Chilean or Afghan "guerrillas", nor (if statistics are to be trusted) does the vast majority of Irish people, North and South, Catholic and Protestant.

R. P. C. HANSON

University of Manchester

Therapy & Facts

IN HIS REPLY to my criticism (ENCOUNTER, December, p. 93) of his article ("The Illness of a Therapy", July), Dr Colin Brewer asserted that I have been "selective" in quoting studies that have shown electroconvulsive therapy (ECT) to be more effective than "simulated" ECT in the treatment of so-called "endogenous" depressive illness. In his article, Dr Brewer stated that

> "... it does not necessarily matter very much whether the psychiatrist actually presses the button and causes a fit, or whether the patient merely receives an anaesthetic without having a fit."

There have now been eleven therapeutic trials of real-versus-simulated ECT. Two of these showed no benefit of "real" versus "simulated" treatment. Nine of the trials have shown that "real" ECT is significantly more effective than the "simulated" treatment. Had I wished to be selective, it would have been difficult for me to do so. The current view on the efficacy of ECT was summed up recently by Professor Desmond Pond, President of the Royal College of Psychiatrists, who wrote:

> "It can be argued that withholding ECT from some patients—for example, the suicidally depressed—could amount to negligence" (*British Medical Journal*, February 9, 1980, p. 403).

Dr Brewer also comments that psychoanalysts made a "belated ... death-bed conversion" in initiating assessment of their therapy. In fact, Fenichel's survey of therapeutic results appeared in 1930 when the Vienna Psychoanalytic Institute was celebrating its 10th anniversary—hardly a "death-bed" gesture.

GEORGE MENDELSON

Department of Psychological Medicine
Monash University
Melbourne

Han Suyin

HOW TIMELY—and just—was Simon Leys' anatomy of Han Suyin's "dialectic" of contradictions [ENCOUNTER, November], which appeared just after I had read an account of a typically wool-pulling interview with her in *The Literary Review* (Edinburgh, 27 June–10 July 1980).

During my period at Nanyang University, the Chinese University of Singapore, in 1962–64, she spoke to the students about the virtues of Communist China in the terms so devastatingly listed in Mr Leys' "*Heads*" column. Mao's China was for many of those students, embattled in Lee Kuan Yew's by no means attractive outpost of "Western democracy", the Promised Land across the water. They had been indoctrinated from the middle school onwards with Maoist literature and propaganda which had easy passage to Singapore. The Students' Union was controlled by a dogmatic, militant group; and open dissenters were intimidated, sometimes in Red Guards' fashion. This was not the kind of thing Mme Suyin would have cared to probe. She simply fed the illusions of her captive island following. The contradictions were evident enough to the sceptical outsider, in her role as easy rider between a virtually closed China and the West. In her personal life one remarked that she enjoyed the privileges of both worlds, a righteous unofficial ambassador who, nevertheless, had no intention of turn-

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ing full-time Chinese citizen. (She would of course have been condemned as "decadent", a cant word my students knew well—but, ignorant of her writing, couldn't apply it to her.)

One considered, even then—meeting refugees from "Chinese humanism", reading such revealing books as were then available, such as Robert Elegant's *The Dragon's Seed*—that Han Suyin was the enigmatic Chinese *par excellence*. Naive, deceitful, Machiavellian, or schizophrenic? Anyway, as Mr Leys shows, if she was sincerely concerned to avoid injuring her contacts in China, she went far beyond the silence that motive would honourably have justified.

MICHAEL THORPE

English Department
Mount Allison University
Sackville, New Brunswick

April Fool?

CONGRATULATIONS TO Constantine FitzGibbon on the superb April Fool's Day spoof which appeared in the 1 April issue of ENCOUNTER. Sad to say, a story imitating so humorously what passes for information and reasoning in so many publications is still a more effective method of exposing such charlatanry than any of the articles of Karl Popper and Martin Gardiner.

Perhaps I may level one slight criticism. The author begins introducing those familiar caricatures of induction, straw men, and glaring *non sequiturs* so early in the piece that the game is given away before one has reached the second column. I hope for something more subtle but no less amusing next year.

JACK BENSON

Basel

Eysenck's Astrology

PROFESSOR H. J. EYSENCK'S article, "Astrology—Science or Superstition?" [ENCOUNTER, December 1979] was extremely revealing to those of us long involved in the current debate on astrology. Eysenck begins by attacking the intelligence and reasoning abilities of the 186 scientists who signed *The Humanist*'s Statement against astrology, using buzz words such as "unscientific, *a priori* reasoning, and ignorance." Eysenck says of the signers, "Few, if any of them, were familiar with the empirical literature. . . ."

At least five of the signers I know were quite knowledgeable about astrology at the time of the signing, particularly Professors Abell, Bok, and Berendzen. I'm sure many more of the signers were able to intellectually recognise astrology as a primitive system of superstitious magic, even without formally knowing about the Principle of Correspondence which forms the basis of all magical systems. And I'm sure that the recent series of articles and books arising out of *The Humanist* and *Leonardo* debates has helped educate the interested public of astrology's mystical past.

Professor Eysenck then turns to his own statistical research into traditional astrology. I am pleased to see that Eysenck decided to recheck his pro-astrological results along the lines I suggested a couple of years ago (i.e. that knowledge of astrology would influence the results of psychological testing).

> "It seems pretty definite, therefore, [Eysenck writes in his ENCOUNTER article], that the observed effect (linking extraversion & introversion with odd and even numbered sunsigns) was largely or perhaps altogether produced by the subjects' knowledge of astrological beliefs. . . ."

I hope Professor Eysenck will now make these new negative results available to the readers of *Macleans's* and the *Journal of Social Psychology*, correcting his earlier claims for statistical evidence supporting traditional astrology.

Having disproved his own statistical claims for astrology, Professor Eysenck proceeds in his ENCOUNTER article to rehash previous statistical studies of astrology. I would like to correct some of his more blatant misstatements of fact:

1. Eysenck says that Gauquelin's "sportsmen tended to be born *much more frequently* when Mars was in these critical positions . . ." (italics mine). In fact, the additional percentage of total births in critical sectors was quite small (4.48%).

2. Eysenck also states that the Gauquelins' "results were extremely clear-cut and so significant statistically that there is no question whatsoever that the effects were produced by chance." This is totally false: many astronomers and statisticians have questioned Gauquelin's results, and independent replication studies in the US have failed to confirm his "critical sector" theory (*The Skeptical Inquirer*, Winter 1979–80, pp. 19–63).

3. This, of course, further invalidates Eysenck's claim that the Gauquelins' work "has stood up to all critical

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onslaughts and attempts at replication to an exemplary degree."

4. To me, the most amazing of Eysenck's claims regarding the Gauquelins is they "have always replied in an open, factual and scientific spirit, accepting criticisms and suggestions for improvement of their methods. . . ." Does Professor Eysenck consider repeated legal threats "an open, factual, and scientific spirit"? Gauquelin's legal threats—and I have registered letters in my files—held up publication of my book, *Astrology Disproved*, for more that half a year; publication proceeded at all *only* because I deleted virtually all mention of Gauquelin's "scientific study" from the manuscript.

The Eysencks and the Gauquelins may pretend they are engaging in "scientific studies" of astrology, but as long as they continue to resort to censorship and legal threats, I have no doubts as to whether astrology will be found "Science or Superstition."

LAWRENCE E. JEROME

San Jose, California

Labedz's Warning

I SHARE Leopold Labedz's concern [ENCOUNTER, December] that the "utterly foolish" and "illusory expectations" about the evolution of Soviet policy during the past two decades still "linger on" among too many Western politicians, and (I would add) among the "eminent persons" associated with the Brandt twaddle.

What also concerns and puzzles me is the fact that amateur analysts of current affairs like myself saw through illusions of thaw, technological "exchange", arms-limitation, *Détente*, human rights and the rest of it, simply because we knew a bit of history and bothered to study what the Marxist-Leninists were obviously thinking rather than project upon them our own liberal goodwill. Among the most striking illustrations of the self-defeating adhesion to stubborn self-delusion are the successive (alleged) "surprises" as the Soviet Union made this or that new or premature development in military innovation or deployment, and the curious combination of puzzlement, panic, and shocking-behaviour-in-church disapproval when certain meticulous researchers, at least ten years ago, attempted to publicise their remorselessly documented evidence that much of this enemy strategic development depended upon technology and finance supplied from NATO countries.

What should concern the objective political scientist is the mechanisms whereby illusions, and particularly these unprecedentedly dangerous ones, are able for so long to influence the senior practitioners of foreign policy in face of facts and against the long-term interests of what I call—unashamedly—Western civilisation. What is the relationship between "superstructure", including the mediation from priest to pleb through the "media", and the "base", including the institutions with a "vested interest" in East-West *rapprochement*?

The final chapter of *Suicide of the West* (1964) by James Burnham is no longer an overstatement; but it may suggest an hypothesis which, although loosely outlined, could provide the basis for an explanation, fixing the facts and naming the names, of our eleventh-hour predicament. We need effective practical strategies to secure the implementation of urgent constructive alternatives, such as those briefly outlined in *The Price of Peace* (1980) by Brian Crozier, before the *SS-20s* are primed for civilian targets—and a telephone message from Moscow interrupts a replay of "*Who Killed J. R.?*" in the White House and 10 Downing Street.

D. L. W. ASHTON

London

WE NOTE, *with sadness and deep regret, the passing of* ENCOUNTER *contributors and friends in 1980:*

ROBERT ARDREY
MICHAEL ASTOR
GEORGE HUTCHINSON
LOUIS KRONENBERGER
JEAN-PAUL SARTRE
MARGARET COLE
J. L. TALMON
C. P. SNOW
HANS J. MORGENTHAU
MICHAEL KING
PATRICK GORDON-WALKER
SONIA ORWELL
FRANK NORMAN

"Paranoid"?

MICHAEL HOWARD's article "Surviving a Protest" [ENCOUNTER, November 1980] contains the following statement:

> "It is as pointless to ask a paranoid of the Left why 'they' want to take away his liberties as it is to ask a paranoid of the Right why the Russians should want to conquer the world."

As a paranoid of the Right, may I quote from the Soviet Communist Party newspaper *Pravda*, August 22 1973, for a brief statement from "the Russians" themselves:

> "Peaceful coexistence does not signify the end of the struggle between the two world social systems. The struggle will continue. . .until the complete and final victory of Communism on a world scale."

DAVID BOTSFORD

Wolverhampton

THIS ISSUE of ENCOUNTER is a combined February/March number. The April issue will be published as usual on 20 March.

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Life & Letters Today

Los Angeles

FOR WHOM THE BILL ROLLS: **Once again "Harry's Bar and American Grill" is touting the importance of being Ernest with the fourth annual International Imitation Hemingway parody—no one-liners. Dialogue, character sketches or action scenes may be entered and entries must mention Harry's Bar—"Nicely."**

"Sweat, daring, scholarship, and grace" will be the judges' criteria.

The prizes, say sponsors, are fame, immortality, and dinner for two at Harry's Bar in Florence, Italy (plus the plane ride there and back).

Entries must be submitted to Harry's at 2020 Avenue of the Stars, Los Angeles 90067 by Feb. 15. The winner will be announced before March 31.

LOS ANGELES TIMES

London

REVERSE ENGLISH: *That notorious play at the National Theatre, "The Romans in Britain", is a sell-out. How could it fail, once the whole country had been told that it was chock-full of sex and violence, nudity and obscenity? There is a real problem here for Mrs Mary Whitehouse and everybody else who objects to this kind of exhibition.*

Perhaps the only answer would be to pursue the reverse tactic. Announce as loudly as possible that the next play written by Howard Brenton or produced by Peter Hall is actually a model of propriety, conspicuous for the purity of its language, the decency of its costumes and the conservatism of its views.

Great crowds would then stay away. And serve Messrs. Hall and Brenton right.

DAILY MAIL

London

STOP THAT QUOTE! *"The best lack of conviction, while the worst/Are full of passionate intensity" (Yeats). It must be at least a year since I demanded [Peter Simple writes] a moratorium on the public use of this or any other quotation from the fine poem, "The Second Coming" in which the lines appear.*

It now seems that only a new law, with stiff fines and imprisonment (even flogging) for incorrigible quotational delinquents will stop politicians and others from spouting what has become one of the great clichés of modern times. Apart from anything else, this is an insult to a great poet. Constant repetition, often in pompous or inane contexts, diminishes his words.

DAILY TELEGRAPH

Madrid

PRAVDA, OR "TRUTH": *A British reference during the debates to George Orwell's book* Animal Farm, *as an illustration of the need felt by some Governments to control the flow of information, evoked a surprising response from a Soviet delegate during the European Human Rights debate, here. He said that* Animal Farm *was about Britain and had nothing to do with the Soviet Union.*

THE TIMES

Washington D.C.

HOOKERS, GENERALLY: *The history of Washington behind closed doors and under the sheets is showcased in the capital's newest museum—a monument to bawdiness called the* **"Red Light Museum and Gift Shop"**. *The Connecticut Avenue museum houses memorabilia dating back to a time when prostitution was legal and swearing in the street was not. The red-draped rooms feature turn-of-the-century erotica. A 1913 map of the District of Columbia locates the bordellos—a great many of which were found near the White House.*

The museum's owner, Dennis Sobin, claims the word **"hooker"**, *meaning prostitute, is derived from the camp followers who set up shop near the Civil War encampment of Gen. Joseph Hooker, in downtown Washington.*

The soldiers were camped on Pennsylvania Avenue between the White House and the Capitol. The women were nearby in an area of the city that became known as "Hooker's Division" and later "The Division." It remained as the capital's red light district for nearly a century until it was leveled in a post World War II urban renewal.

Hooker's portrait is featured in the museum.

UNITED PRESS INTERNATIONAL

New York City

JAIL-BIRD: *Gordon Liddy, after 4½ years in prison, is the most sought-after lecturer on American campuses.*

Four nights a week, on average, he visits a university and talks for two hours about the Watergate affair and his broad philosophy. He charges $3,600 for each appearance and draws capacity audiences.

America's retreat from reality, he believes, was reflected in the growing use of euphemisms.

"If you fossilize language you fossilize thought. You can't buy a used car any more—only a previously owned one. I was in eight prisons and one prison camp and not one was called a prison: they were penitentiaries, even though I never met anyone in them who was penitent." THE TIMES

London

INVESTIGATIVE JOURNALISM: **Magazine staff caused an armed police alert in London today as they posed on a roof as terrorists with replica weapons.**

Southampton Street near the Strand was sealed off, a helicopter flew overhead, and police marksmen took up positions on nearby buildings after a report by Amnesty International that two armed men were on the roof of Tower House.

But police found the two "terrorists" were journalists on *Time Out* working on a story to show how realistic replica weapons can be. The journalists were freed after being searched.

Mr Duncan Campbell, news editor of Time Out, said: "We were taking a photograph to illustrate an article—and it was being photographed on the roof."

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